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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
December 15, 2011.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

UNEQUAL BANKRUPTCY LAWS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, James Surowiecki outdid himself in the current issue of The New Yorker's financial page as he contrasted the decision of American Airlines to take bankruptcy versus the expectation of American business for how homeowners should behave. It wasn't that American Airlines couldn't pay its bills with its $4 billion in cash. It's just that it would be in a stronger position if it took advantage of the bankruptcy laws, where working with a bankruptcy judge, it could restructure union contracts, pension plans, and bank loans to its advantage.

For example, it's perfectly acceptable and legal for a judge to reset the current value of an asset and to permit loans with higher interest rates to be set at lower current market rate. Unfair as it may seem to people who made the loans, it was part of the principle of bankruptcy, to allow people to not be mired hopelessly in debt but to start again under existing market conditions. It's part of what keeps our economy vital, keeping people not tethered to mistakes of the past or bad luck, even if those mistakes were self-inflicted.

Contrast this with what business expects from the 25 percent of homeowners whose mortgages are underwater, where the financial institutions have argued about the responsibility of homeowners to avoid the stigma of defaulting, that it was their duty and obligation to pay, even if it was financially irrational and extraordinarily difficult. He pointed out that the Mortgage Bankers Association, at the same time it was exhorting homeowners to hang in there and keep paying their loans even if their mortgage was underwater, that it walked away from a loan on its headquarters, sticking the lender with a $34 million loss on a short sale.

But he missed the real outrage: The expectation where homeowners, under bankruptcy, simply cannot do what American Airlines and other American businesses can do. Homeowners under law cannot take bankruptcy and have a judge reset the loan value of their residence to conform to what the current value is and to reduce the interest rates to reflect today's record low rates. That would have been the onerous ''cram-down provision'' so vigorously resisted by banks and financial institutions when we were discussing bankruptcy reform. Do as we say, not as we do.

As a result, we have what I think is truly an insane situation where a speculator could buy six units in a condominium building and have a bankruptcy judge reduce the loan's amount and interest rate on each one of the speculator's six units, but the poor soul who bought his unit just to live in it cannot have that same privilege.

If there was bankruptcy equality for homeowners, I don't think we ever would have had the financial bubble in the first place. You can bet that the masters of the universe that poured billions of dollars into securitized mortgage instruments would have been more careful if they knew that homeowners would have been treated the same way as businesses and could have had onerous provisions modified under bankruptcy.

This is one of the reasons why the Occupy Wall Street people are so outraged, this dual standard, telling homeowners to stay the course while large businesses don't, fighting for change of the law under the guise of reform which made it impossible for homeowners to be treated as well as speculators.

If some of our friends on Wall Street are perplexed about the frustration and the outrage, they might look in the mirror. Maybe, just maybe, this is something that the Occupy Wall Street and Tea Party advocates can agree upon.

BILL OF RIGHTS' 220TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, today I rise to commemorate the 220th anniversary of the adoption of the Bill of Rights to our U.S. Constitution. Some of our most basic freedoms and governing principles are laid

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out in this precious document. The amendments listed were meant to protect our individual liberties and our private property. They serve as a constant reminder that our Nation was meant for its citizens to have liberty, with very little government intrusion into their lives.

Today's modern government has, sadly, strayed very far away from the vision that our Founding Fathers had when they ratified the Bill of Rights. It seems like every day we lose a little bit more of our freedom to the ideals of Big Government and to the standards of socialism.

In Hosea 4:6, God says, ''My people are destroyed from a lack of knowledge.''

We have a tremendous lack of knowledge in this Nation about the principles that our Founding Fathers gave us in the U.S. Constitution and the Bill of Rights, and we are being destroyed because those foundational principles are being eroded day by day here in Congress, by Presidents, and by the Federal court system.

Please read the U.S. Constitution. Read the Bill of Rights. Teach them to our children and to our grandchildren so that we can come together and demand a constitutionally limited government, as our Founding Fathers intended. We need to begin to rebuild the principles that have made this Nation the greatest in history, the greatest political experiment in the history of mankind. Those principles are what have made this country so great, so powerful, and so successful; and the only way that we will retain that is if we become knowledgeable and start demanding a constitutionally limited government, as our Founding Fathers meant it.

So please read the Constitution. Please read the Bill of Rights. Read what our Founding Fathers said about it. Demand that kind of governance from our elected representatives all across this country, at all levels of government. Our freedom and liberty depend upon it.

Thank you. God bless you. God bless America.

□ 1010

REAUTHORIZE NEW MARKETS TAX CREDIT PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 5 minutes.

Mr. NEAL. Madam Speaker, I want to talk about a program that is set to expire at the end of the year if Congress does not act, and it's the New Markets Tax Credit program. I have fought for this program since its enactment in 2000 because it's a cost-effective way to create jobs and drive investment in communities with high rates of poverty and unemployment. I've seen the amazing results of this initiative first hand back home in Massachusetts, and today I want to highlight one of those Massachusetts projects, the Colonial Theater in Pittsfield, Massachusetts.

Let me tell you a little about the New Markets Tax Credit. The program was designed to stimulate investment and economic growth in low-income communities that are traditionally overlooked by conventional capital markets. The New Markets Tax Credit program attracts capital to low-income communities by providing private investors with a 39 percent Federal tax credit for investments made in businesses or economic development projects located in certain areas where the individual poverty rate is at least 20 percent or where median family income is low.

According to the Government Accountability Office, 88 percent of the New Markets Tax Credit investors said they would not have made the investment in a low-income community without New Markets Tax Credits.

Every project or business financed by New Markets Tax Credits is located in a low-income community and/or benefits low-income individuals. The vast majority, over 90 percent of investment dollars generated through New Markets, has gone to communities with levels of economic distress that far exceed the minimum requirements of the law; and 60 percent has gone to communities with very high unemployment rates that are at least 1.5 times the national average.

Through 2009, New Markets cost the Federal Government, in terms of lost revenue, less than $4 billion. That $4 billion should be treated as a government investment because it has resulted in $50 billion in capital projects in those low-income communities and created or retained an estimated 500,000 jobs. According to the Treasury Department, every $1 of foregone tax revenue under New Markets leverages $12 of private investment in distressed communities. That's results, in my opinion.

Unfortunately, New Markets is a temporary program and unless Congress acts this month, it will expire on December 31. I am, and have been, the lead Democratic sponsor of legislation to extend this program for 5 years; and I have been leading the charge for years to make this a permanent initiative. I once again call on our colleagues to extend New Markets.

Let's talk about the success of New Markets in Massachusetts. Over 170 businesses in Massachusetts have received New Markets financing: Hot Mama's Foods in Springfield; the River Valley Market in Northampton; the Holyoke Health Center; and now the High Performance Computing Center in Holyoke as well.

But I want to focus today on the Colonial Theater in Pittsfield, Massachusetts. Pittsfield is a city in western Massachusetts with a population of about 42,000 people. It's the largest community in that region of the State. It has struggled with unemployment and urban blight. The Colonial Theater is a rare architectural gem and one of the greatest acoustical houses in the world, located in the heart of Pittsfield. It was built at the turn of the century, and it was closed for more than 50 years. Periodic attempts to redevelop the theater failed for lack of money and sustained public support.

However, thanks to New Markets Tax Credit, financing of $16.7 million of a total project cost of $21 million, this 70,000 square foot theater and adjacent building were magnificently restored. With 823 seats, the theater reopened in 2006 and now features an impressive lineup of plays and musical shows. James Taylor is currently performing at the Colonial Theater as part of the cast of ''A Christmas Carol.'' Since its renovation, the theater has hosted Arlo Guthrie, the Four Tops, and Bob Weir of the Grateful Dead will perform this spring. Recent musicals and plays at the Colonial Theater include ''The Who's Tommy,'' ''The Producers,'' ''The Wizard of Oz,'' and ''Rent.''

After the first 2 years of operation, the independent research firm Center for Creative Community Development estimated that the Colonial Theater sustains a direct economic impact of $4 million annually and 100 full-time jobs in the Berkshire area.

The Colonial Theater is a symbol of the re-emergence of Pittsfield as an economic and cultural center of the Berkshires. Anchoring the city's comprehensive strategy for downtown revitalization, the restored and vibrant Colonial Theater—along with six-screen Beacon Cinema Complex, also financed with New Markets Tax Credits—has created jobs, attracted new businesses, spurred residential development, and added vitality to this city. Widespread street-level vacancies in downtown Pittsfield has been virtually eliminated and 45 new businesses and restaurants have opened. The restoration has helped attract an estimated 400,000 new visitors to the downtown Pittsfield area each year.

Let's rejuvenate the New Markets Tax Credit program.

WELCOME HOME, COMPANY C

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Madam Speaker, today I am happy to announce that Company C, 150th Aviation United of the West Virginia National Guard is on the way home to their families and should arrive this afternoon after serving our Nation for the past 12 months in Kosova. Truly, there could not be a better Christmas present.

Company C is based in the First District of West Virginia in my hometown of Wheeling and was deployed 1 year

ago to Kosova on a peacekeeping mission. While overseas, the unit was responsible for all aerial operations within their area of responsibility. Company C soldiers logged 2,899 flight hours in 951 missions, they ran multiple mechanical inspections and refueling missions, and dispensed 246,260 gallons of fuel.

The West Virginia National Guard plays a key role in the defense of our country and interests around the world. America could not be prouder to have these men and women as our representatives.

Today I am thrilled to say, Welcome home, Company C.

SUPPORT AMERICA'S CIVIL SERVANTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Madam Speaker, yesterday we passed a Defense authorization bill. That Defense authorization bill had a 1.6 percent increase for our military personnel. That was an appropriate thing for us to do.

However, at the same time we are looking at reducing very substantially the pay and benefits available to our civilian Federal employees. Madam Speaker, I rise out of a deep concern that this Congress continues to ask one group to sacrifice to bring down our Nation's deficit while not asking others to contribute as well.

That one group are average working Americans. Now, they work for the Federal Government, some perhaps the State and local governments. And there is an antipathy towards government by many, many of the public, many Members of this House. That antipathy is, therefore, focused on the workers. But we have substantially fewer Federal employees today than we had 20 years ago, not only in terms of real numbers but in terms of per capita, where the population has substantially expanded and the number of Federal employees per person to be served has been substantially reduced.

With all of the challenges we face today on a national scale, we ought to ensure that those who help devise solutions and carry them out receive the recognition they are due. We talk a good game on this floor; but, very frankly, we turn it over to employees to carry out our policies. We don't do that. They do it.

They should not be constantly subjected to the kind of verbal attacks and legislative assaults we have seen over the last couple of years and that are included in the bills that have passed this House just this past week. I am speaking, of course, about America's public servants.

Those who work in civilian government positions are no less important to our safety, health, prosperity, and general well-being than their military counterparts who protect our freedom.

I honor our troops. I will be wearing a yellow ribbon later today to welcome home those troops who have fought to protect country, defeat terrorists, and stabilize the international community. They have blessed America with their courage and their commitment and their service.

□ 1020

But Federal civilian employees make certain that the products we buy and the prescription drugs we use are safe. They perform critical research to advance the fight against cancer and other diseases. They help our farmers and ranchers access new markets for their goods. They see millions of passengers travel safely across our skies and keep watch over our ports and border crossings. They ensure a fair playing field for banks and businesses and enforce the rules we have in place to preserve the health of our air and water from pollution.

So many of the public functions we often take for granted are the purview of the hardworking men and women who constitute our Federal workforce. They're middle class Americans, working Americans, who have, in many cases, chosen to serve their country by lending their talents and skills—some for a short time, others for their entire careers.

As an American, I am proud of the work they do, and as a Member of Congress from Maryland, I am proud to represent a great number of them in this House. But for those who believe that most or even a significant number of our Federal workers live here in Washington, Maryland and Virginia, let me set the record straight. Eighty-five percent of Federal employees live and work somewhere other than the Washington metropolitan area—85 percent. They provide essential services to neighbors and communities in all 50 States and every single one of our districts.

Everything must be on the table when addressing the budget. And by the way, I put on the table a zero COLA adjustment 2 years ago sitting in the White House around the table, having talked to leaders of our Federal employees. I said, look, we need to tighten our belt. Americans are having trouble, we have a lot of our neighbors out of work, we need to tighten our belt, and we took a zero percent. We have taken it 2 years in a row, a $60 billion contribution already by Federal employees—$60 billion. We say we can't raise a nickel of additional taxes from the most well off in America, but we can take $60 billion from average working men and women in this country. Everything must be on the table.

I'm deeply disappointed, however, that we continue to attack these public servants unfairly and single them out. Now when I say ''we,'' I mean the Republican bills that have been offered on this floor and have been discussed.

When middle class families across the country are struggling to make ends meet, Federal employees have already accepted a 2-year pay freeze. That was appropriate. That was acceptable. But continuing assault on just one segment is not. This comes on top of salaries that are already lower than those for comparable private-sector jobs. Let me repeat that because there is a prejudice that somehow Federal employees are vastly overpaid. In fact, the Federal Salary Council's annual report last month found that Federal workers are paid, on average, 26.3 percent less than comparable private sector jobs.

Now some people don't understand that because what we ask our Federal employees to do requires for the most part high skills. We have a lot of engineers, scientists, and doctors at NIH, at Goddard NASA and in the FBI, highly skilled, highly educated people, a 26.3 percent differential in pay for comparable work that is done in the private sector.

Now most of you who, many of you are sitting there, and perhaps our viewers, are saying, oh, no, that's not true, I know it's not true, because I see what the average salaries are. What they don't see are the average requirements for skills.

Madam Speaker, America's public servants are already making a contribution because they loved this country and recognized that when times are tight, everyone—everyone—everyone has to pitch in, even the best off in America. A belief in smaller government does not grant one license to diminish the contribution made by those who serve in government. If we cut government and need less people to run it, that makes sense.

But what does not make sense is to undermine the ability to recruit and retain the quality of people that we need to continue to make this country, in partnership with the private sector, the greatest country on the face of the Earth. We must always remember that we are blessed, as Lincoln said, with a government of the people, by the people and for the people, that this is us together, the one who serves and the one who benefits from that service. It is the bond of a neighbor and that of a fellow American. Let us remember that. Yes, we need to tighten the belt in a notch. We need to make sure that we are on a fiscally sustainable path. But let us do so in a way that has everybody contribute, not just an unfavored few who serve us well.

FIXING THE PAYROLL TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, one of the items of unfinished business remaining to this Congress is extending the payroll tax cut of last year that funds Social Security. It is an inframarginal tax cut, meaning that it doesn't change economic incentives and therefore it doesn't produce lasting economic growth. But it does provide

great relief to working families, allowing them to keep more of their earnings at a time of declining incomes, shriveling assets, and rising prices, and it should be extended. But it must be extended responsibly to avoid doing further damage either to the economy or to the Social Security system that this tax supports.

That means we have to make up the lost revenue. Now the Democrats have said, well, no problem, just tax the rich. In fact, they say that a lot. The problem is that the tax increases they propose are marginal tax increases, precisely the kind of tax increase that does enormous damage to the overall economy. Remember, more than half of net small business income would be subject to their tax increase—at precisely the moment when we're depending upon those small businesses to create two-thirds of the new jobs that our people desperately need.

Now the measure passed out of the House this week also does far more harm than good. Unfortunately, the House added $167 billion to this year's already crushing deficit, mostly to pay for the payroll tax cut, purporting to repay 1 year's tax relief over the next 10 years. How does it do that? Well, in part, it tacks on additional fees to mortgages backed by Fannie Mae and Freddie Mac. This shifts the burden to home buyers, who will end up paying far more in new taxes that are now hidden in their mortgage payments than they will ever get back from the tax cut. True, under the House version, the average family will save over $1,000 in payroll taxes, but if that family takes out a $150,000 mortgage backed by Fannie or Freddie, they'll end up paying an extra $3,000 as a result of this bill—$1,000 of tax cuts for $3,000 of extra mortgage payments.

Put more bluntly, the House version kicks the housing market when it's already down, making it that much more expensive for home buyers to re-enter that market and adding to the pressures that have chronically depressed our home values. Worse, the House version would turn Fannie and Freddie into tax collectors for the general fund. If the House bill is enacted, we will have constructed a cash machine for government with an adjustable knob. And given the insatiable appetite of this government, the odds are far greater that that knob will be turned up and not down in coming years.

Ironically, one of the reasons to continue the payroll tax cut is because of shrinking family assets—mainly the value of their homes. The House version adds to the downward pressure on their home values while telling them we're doing them a favor. Some favor.

Fortunately, there is a way to extend the payroll tax cut, protect the Social Security system, and avoid doing further harm to the economy, and that's the measure offered by Mr. LANDRY of Louisiana, H.R. 3551. That bill was given short shrift in the House last week, and that's a shame.

Mr. LANDRY's bill would give every American the choice to receive the year of tax relief in exchange for delaying their retirement by a month. According to the Social Security chief actuary, this would pay for itself. It would give every family in America the choice of deciding for itself whether the benefits of the tax cut are worth the cost of working a month longer. It would provide tax relief for those families that need it without doing harm to the Social Security system that the tax supports and without shifting the burden to pay for it to home buyers, as the House version does, or to job creators, as the Senate version would have done.

It's not too late to fix this problem the right way. And I would strongly urge the House to take Mr. LANDRY's bill more seriously in the closing days of this session.

□ 1030

BILL OF RIGHTS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Madam Speaker, today is the 220th anniversary of the passage of the Bill of Rights. It was declared Bill of Rights Day by Franklin Roosevelt back in the forties and it's an anniversary that's too often overlooked.

Ken Paulsen, the President of the First Amendment Center in Nashville, Tennessee, at Vanderbilt University's campus and the American Society of News Editors, recently wrote that the Bill of Rights is ''a document that guarantees core personal liberties, including freedom of expression and faith, a fair judicial process, the right to bear arms, and protection against unreasonable government seizures . . . yet almost no one takes time to reflect on the importance of December 15th and the anniversary of these fundamental freedoms,'' and particularly what they really are. That's why I wanted to come to the well today and spend a few minutes reflecting on this amazing document and the freedoms that we derive from it.

It's easy to take our Bill of Rights for granted. Of course we have the right to speak our minds. We don't live in fear that the police will break down our doors without exigent circumstances or a warrant. It would be ridiculous to imagine a church of America to which we all must belong and to which we must worship according to its dictates; but you only need to look across the globe to the Arab Spring and elsewhere to see millions of people protesting and risking their lives just to have a taste of the freedoms we take for granted, and you realize how fortunate we are.

When the Constitution was ratified, there were very few individual rights guaranteed. It was mostly about setting up the structure of government. But Thomas Jefferson and others argued that the Bill of Rights was necessary to protect individuals from their government. Think about how wise the Founders were to ensure that the very government they were establishing would not encroach on certain fundamental liberties of the people. As Jefferson wrote in letter to James Madison, ''a bill of rights is what the people are entitled to against every government on Earth.''

Since Jefferson was not part of that Constitutional Convention, James Madison took up the task of drafting a bill of rights. After much debate and compromise, 10 amendments were approved and added to the Constitution. Right at the very beginning, we find the bedrock of the Bill of Rights, the great five freedoms of the First Amendment: religion, freedom of speech, press, to peacefully assemble, and petition of government. Those are the most basic freedoms we have, but they're not always without controversy.

From the so-called ''War on Christmas'' to government-led prayer in school, we continue to debate what the free exercise of religion and the establishment clause meant. And that is not new.

Thomas Jefferson found himself deep in the war over religious liberty as well. In response to attacks that he was insufficiently religious, he wrote in a letter to Benjamin Rush, ''For I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.'' He went on to explain in his famous letter to the Danbury Baptists that there is ''a wall of separation between church and State'' since ''religion is a matter which lies solely between man and his God.''

But that does not put the issue to rest. We continue to wrestle with these issues today. But the Bill of Rights, particularly the First Amendment, is what enables us to work our differences out peacefully through the democratic process.

We have the right to speak our mind without fear that the government will stifle dissent. We have the ability to hold our government accountable with a vibrant free press because an informed citizenry is what keeps democracy strong. And we have the right to protest when we're dissatisfied with our government.

Whether it's actions by the Tea Party or the Occupy movements, the people are exercising their right to assemble and petition their government for redress of grievances. As elected officials, it's up to us to consider their causes while also protecting their rights.

I remember back in 1993 when I was a Tennessee State senator, in one week I stood on the legislative plaza and I defended the Second Amendment urging the passage of Tennessee's right to carry bill, and the next week I was on the plaza supporting a woman's right to choose, which comes through the

Ninth Amendment. No two people of either of those rallies were the same; they were indeed very different. But what they were advocating was both in the Bill of Rights, and both supported such and the Bill of Rights supported them.

I have devoted much of my career to fighting for fairness in our criminal justice system. It's the Bill of Rights that builds fundamental fairness into that system, particularly the Fifth, Sixth, and Eighth Amendments. It guarantees that we'll have a reasonable bail, a fair chance to prove our innocence, have a lawyer, be able to question witnesses, and, if convicted, we won't be subject to torture or other cruel and unusual punishments.

The Bill of Rights embodies the core values of this Nation: freedom, fairness, justice, and equality.

We need to remember, though, that we have not always upheld those values. For example, the Fifth Amendment guarantees that we won't be deprived of life, liberty, or property without due process of law. But many of the same people who drafted the Bill of Rights and the Constitution owned slaves, treated them as property, and gave them no rights whatsoever. It took almost 100 years to abolish slavery and almost another 100 years to get beyond the Jim Crow laws that continued such.

We must honor the Bill of Rights and respect it for what it has done and recognize it today.

I thank Thomas Jefferson and James Madison and others who gave us the Bill of Rights; and I swore upon the altar of God, eternal hostility toward all forms of tyranny over the mind of man.

We must always strive toward that "more perfect union" discussed in the preamble of the Constitution.

That's why we should be thankful for the organizations that fight each day to defend the Bill of Rights and our freedoms.

You may not always agree with them, but groups like the ACLU, People for the American Way, and the Freedom Forum, are on the front lines defending our rights, even when it means taking unpopular positions.

Every day, we're touched by the Bill of Rights, but too often we fail to recognize its importance.

I hope my colleagues, and all Americans, will take time today to think about the Bill of Rights and how lucky we are to live in a country that guarantees us the liberty and freedoms enshrined in that document.

GUNS AND MONEY SENT TO CARTELS BY U.S. GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, when most people think of smuggling, they envision outlaws in the dark of night lawlessly shuffling around guns and money to other outlaws. Most people would never imagine that the government of the greatest nation of the world would be engaged in a stealth smuggling operation by sending guns and money to narcoterrorists.

It appears a group of people in the ATF and the DEA, all under the supervision of the Department of Justice, facilitated trafficking of guns and money to the drug cartels—the national enemy of Mexico and of the United States. These vicious cartels have inflicted terror on both sides of the border. They are literally at war with the Mexican people, the people to the south of us, our neighbors.

First we learned that the Justice Department, with the help of the ATF, apparently facilitated smuggling of over 2,000 weapons to the drug cartels. These guns included semiautomatic weapons and sniper rifles. People have died because of this activity. These weapons were used to kill at least 200 Mexican nationals and two U.S. agents.

The Attorney General admitted to me in the Judiciary Committee last week, more people are going to die, all because our government is helping the drug cartels in Mexico obtain automatic weapons.

Of the 2,000 weapons smuggled to Mexico, most are still unaccounted for. We don't know where they are.

The Attorney General is the chief lawyer and law enforcement officer in the country, but he claimed last week in the Judiciary Committee he didn't know about Fast and Furious until recently. He either didn't read the memo or he didn't get the memo. What is more remarkable, Madam Speaker, he claims he doesn't know who authorized the smuggling ring. To coin a phrase from Secretary of State Hillary Clinton, the idea that Eric Holder, the head of the Department of Justice that oversaw this operation, was not involved or was unaware of what took place requires a "willing suspension of disbelief."

The question is: Is there a rogue group of moles operating stealth activity in the Department of Justice? Apparently, no one really knows. The Attorney General also admitted last week that this operation was in fact reckless.

It's worth noting, Madam Speaker, when a person recklessly causes the death of another person, it's the crime of manslaughter. If people under the Attorney General violated U.S. or international law, they need to be accountable for their actions.

It's been almost 1 year since Agent Brian Terry was murdered and when we first learned about this foolish operation we now know as Fast and Furious. Terry was killed by one of these smuggled guns to Mexico, but yet no one claims to know who is responsible.

The second part of the rogue operation was the apparent laundering of money to the Mexican narcoterrorists facilitated, once again, by the United States Government.

According to a New York Times report last week, undercover American narcotics agents from the DEA laundered or smuggled millions of dollars in drug money to the drug cartels. How many millions, no one knows. They allegedly handled the money on its path to the hands of the drug lords. This failed operation, like with the guns, was an effort to track the money and bring down the cartels. Of course, the cartels are as strong as ever.

The administration claimed in a statement last week that it was working with the Mexican Government on the operation on "joint investigations to detect and dismantle money laundering networks." However, according to a spokesperson for President Calderon of Mexico, they had no idea the DEA was involved in this drug money laundering operation.

The DEA and the ATF are under the control of the Justice Department. These disturbing operations facilitated the worst kind of result: They have resulted in people dying. And millions of money and hundreds of guns are unaccounted for.

□ 1040

The drug cartels are the narcoterrorists. They are the enemy of Mexico and the U.S. They exist to obtain money and guns, and the United States helped them get both. Somebody needs to go to jail.

We need an independent counsel to investigate the Justice Department and the ATF. The Justice Department cannot be trusted to investigate themselves because the agency has lost credibility. Even Washington insiders responsible for Fast and Furious and money laundry smuggling cannot hide from the long arm of the American justice system because, Madam Speaker, justice is what we do in this country.

And that's just the way it is.

IN GOD WE TRUST, BUT CAN HE TRUST US?

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. I rise, Madam Speaker, to share with the House the importance of extended unemployment insurance, increasing disposable income, and to try desperately hard to shatter the myth that some of the opponents of extended unemployment have expressed, and this is that Americans don't want to work and would prefer to receive a check and that receiving this check is a deterrent for them to go out and search for jobs.

I can't believe that this is a Republican doctrine because, outside of these Halls, most Americans don't wear on their sleeves whether they're Republican or Democrats or liberals or conservatives. Most Americans just want to be a part of this wonderful American Dream.

And while we work in order to have wages, so much a part of having a job is self-esteem. That's what our great country is about. Not since the Depression have Americans felt so embarrassed because their kids are being

asked questions as to did your daddy and mom lose their job.

People who thought they made it into the middle class, which is the economic heartbeat of this great Nation, moved into communities with higher rents or higher expenses in terms of their homes; and then they were hit by this economic nightmare. Through no fault of their own, they lost their jobs, their homes, their savings, their hope. And they are out there, and we are saying that they don't want to work, that they enjoy being unemployed?

You know, this great Nation has the Constitution as its foundation, but there's something that's not written there, and that is, if you can make your way to America, you can improve, not just your status, but the status of your kids and your grandkids.

Something has happened with this dream as it becomes a nightmare, and it has to do with disparity of the income because if you are born into poverty, chances of getting out of it in the United States of America is far less than in some other countries. That's not us. That's not what we believe in.

And no one is asking for a class war. We're talking about a class in understanding the economy of this great Nation. Less than 1 percent of Americans own 42 percent of America's wealth. And worse than being poor, more Americans who thought they reached the middle class wake up each and every day and find out that they're back into poverty.

Can't we find some way to realize that this is not a party issue, that these are the principles of the United States of America?

Don't we know that these debates that we're having as to who can be the meanest and most ridiculous is causing us, as a Nation, to lose the principles? And aren't these principles how do we treat the lesser of our brothers and sisters in this country? Isn't the question of how we treat our children, is that gone out of the window? Our aged, our sick and those in poverty?

Isn't there something when middle class people have to watch the cash register when they're paying out at the counter to make certain that they didn't pick up more than they can pay for?

What about having your possessions put in the street for nonpayment of rent?

They're looking for unemployment compensation checks as a way of life? They have to explain this?

No, we have to get back our dignity as a Nation, and it doesn't include the gridlock that we have in the House of Representatives. Sure, getting elected is important. But fulfilling the American Dream is far more important than anything this Nation's based on.

Yes, God bless America. Yes, in God we trust. Let's hope that God trusts us.

PLANNED PARENTHOOD INVESTIGATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Madam Speaker, last week, seven former Planned Parenthood employees wrote a joint letter to the Energy and Commerce Committee detailing the facts that many of my colleagues and I have long believed to be true. Planned Parenthood is grossly misusing taxpayer funds.

These former employees revealed that clinic staff failed to properly follow correct billing procedures to prevent Federal tax dollars from being used to fund abortion services as demanded by law. They outlined other horrific violations, including failure to properly notify parents when a vulnerable young girl may have been a victim of rape and is seeking an abortion.

These former employees also wrote that abortion is indeed offered as a means of family planning, in blatant violation of Federal law. For years, we feared that Planned Parenthood was engaged in several of these abuses, and now we have the inside information from brave folks who have confirmed these fears.

In an effort to shed light on how much taxpayer money is at stake and to keep a promise I made to the people of Texas 22 when I was first elected, I requested a GAO report to give the public a full accounting of exactly how much Federal money is sent to organizations that perform abortions each year. We learned that over a 7-year period, the taxpayer price tag to these organizations is almost $1 billion.

And last week I was further sickened to learn that, according to the former Planned Parenthood employees, between Federal and State contributions, Planned Parenthood alone receives roughly $1 million per day of taxpayer funds. And yet they're accountable to no one, including the taxpayers who morally oppose these funds being used to end an innocent life.

I thank my Energy and Commerce colleague, Subcommittee Chairman CLIFF STEARNS, for launching an investigation into this matter. And I'm confident that the full committee will do a thorough audit of this corrupt organization. An investigation is sorely overdue.

Madam Speaker, behind me is a picture of one of the largest Planned Parenthood clinics ever built. Tragically, it's located right outside of the district I represent in Houston, Texas. It's surrounded by four low-income minority neighborhoods, Planned Parenthood's target audience.

This massive building has an entire floor dedicated to abortion services and rumored late-term abortions. And because of the seven former Planned Parenthood employees, we know doctors and clinic employees have illegally encouraged young girls to abort an unborn child as a means of family planning, all on the taxpayer dime.

Americans should be outraged to learn of this horrific and possibly illegal use of their tax dollars. Planned Parenthood must be held accountable.

I will continue to fight to cut off every single tax dollar that Planned Parenthood and similar organizations receive. We can never tire. We can never rest in our moral obligation to protection our Nation's unborn children.

□ 1050

Federal tax dollars are legally prohibited from being used for abortions. Under our Constitution, the Obama administration has a duty to enforce these laws. Under the same Constitution, the Congress has a duty to ensure that the executive branch follows the law of the land. I applaud those Americans who bravely raise their voices on behalf of innocent children who don't have one and maybe never will.

BILL OF RIGHTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, today we celebrate an action that took place 220 years ago when we passed the Bill of Rights. But I rise today to express my dismay at the passage of the National Defense Authorization Act yesterday. Not only did this bill curb our ability to keep America safe, it made a mockery of our constitutionally protected rights.

But there is a larger point about the state of this country which is worth noting. Over the past several months, this body has wasted precious time writing a defense authorization bill with so many unsavory provisions the President threatened to veto it.

National security officials from all political spectrums condemned it as dangerous and unnecessary. In the end, the bill was watered down in response to many of the serious concerns about the bill, though it did not go nearly as far as it should. The final bill still contains restrictions on transfer of Guantanamo detainees and grants the President the power to indefinitely detain without trial American citizens in military custody. It shows just how far along the slippery slope our country has moved since 9/11 in authorizing sweeping powers to the President at the expense of our civil liberties.

Let's be clear. The over-militarization of our counterterrorism efforts goes against American values and civil liberties, though some people continue to justify it through fearmongering. We saw this after the horrific events of 9/11 when President Bush signed into law the Patriot Act that dramatically expanded law enforcement agencies' ability to search telephone, email, and financial records without a court order in the name of intelligence gathering.

One section of the Patriot Act even allows the FBI to review library

records, to look at which books you're reading.

In short, what we've done over the past decade is embrace national secrecy over national security. And the NDA bill took the Patriot Act to a whole new radical level. What the advocates of this bill don't seem to realize is that the American public is already paying a price in the name of keeping our Nation safe.

In September the Center for Investigative Reporting and NPR conducted a joint investigation into private security at the Mall of America in Minneapolis. They found that the mall security personnel stopped an average of 1,200 people a year. Nearly two-thirds of those people belong to racial and ethnic minorities. Personal information from the suspicious activity reports from the mall were sent to the FBI. So they've got an FBI file. Some of these people were reported for looking at the security guard in a ''suspicious'' way.

An Army veteran was questioned for nearly 2 hours about a video he made inside the mall. One man left his cell phone on a table in the food court, and an FBI agent showed up at his family's home asking if they knew anyone who might want to hurt the United States.

These intrusions create a chilling effect that causes law-abiding Americans to think twice about exercising their basic constitutional rights to speech and assembly.

James Madison, as you heard, wrote the Constitution and the Bill of Rights, and he once said, ''The means of defense against foreign danger historically have become instruments of tyranny at home.''

That could not ring truer than yesterday. This is a sad day for our liberty and freedom when we give to the President—we may like the President, we may think he's a great man—but to give that office the power to hold Americans without trial in military custody indefinitely is eroding our right to a free trial and an ability to confront our accuser. Those things that are in that Bill of Rights are being taken away from all of us.

Now, we think it won't happen to me. Be careful. That's what people thought in a lot of other places in the world. And suddenly, as Martin Niemoller said in the German prison camps, ''And then they came for me, and there was no one to stand up.''

SUDAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I was pleased this morning that The Washington Post did a story on a shameful development here in Washington; namely, that Bart Fisher, a Washington lawyer, was granted a license by the Office of Foreign Assets Control, OFAC, at Treasury, to represent the genocidal government of Sudan. I submit a copy of the Post article for the record.

The Sudanese people have long been brutalized, marginalized, and terrorized by their own government. Yet, unbelievably, it seems the same regime has been afforded the privilege of legal representation in Washington by the Obama administration.

According to a news report earlier this week in Africa Intelligence, Mr. Fisher was hired with the express purpose of trying to ''lift American sanctions against it.'' In documentation posted on the Department of Justice Web site, it appears that Mr. Fisher was granted a license by the Office of Foreign Assets Control at Treasury to provide this representation, and that he plans to engage in political activities, among them ''representations, including petitions to U.S. government agencies regarding sanctions.''

I'm appalled that this has been permitted and someone or Mr. Fisher's political contributions were a factor. The administration should reverse this approval.

Martin Luther King famously said, ''In the end, we will remember not the words of our enemies, but the silence of our friends.'' The Obama administration should remember the words ''the silence of our friends.''

What must the people of Sudan be thinking at this particular juncture when the administration struggles to find its voice on their behalf, while at the same time seemingly empowering the voice of their oppressors?

Sudanese President Omar al-Bashir's crimes are well known and documented. This is the same man that is accused by the International Criminal Court of five counts of crimes against humanity, including murder, rape, torture, extermination, and two counts of war crimes.

I've been to Sudan five times, including in July of 2004, when Senator Sam Brownback and I were the first congressional delegation to go to Darfur. We spoke with women who had been raped just days earlier. The Arab Janjaweed militias, armed by Khartoum, the government of Khartoum of Sudan, told these women that they wanted to make ''lighter-skinned babies.''

In addition to horrific human rights abuses and crimes committed by Bashir and his National Congress Party, Sudan remains on the State Department's list of State sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s. Moreover, Khartoum was a revolving door for Hamas and other designated terrorist groups.

But Bashir's crimes are not merely a thing of the past. At the recent Tom Lantos Human Rights Commission hearing on the crisis in Southern Kordofan and Blue Nile states in Sudan, a former Member of Congress and President of United to End Genocide, Tom Andrews, spoke about his experiences while visiting the region.

He said there were reports of ''Sudanese armed forces and their allied militias going door to door targeting people based upon their religion and based upon the color of their skin.'' And yet the Obama administration gives them the right to have somebody in this town represent them.

□ 1100

A recent delegation from the U.S. Commission on International Religious Freedom visited Sudan and met with refugees in Yida camp. They returned with similar reports. All of the pastors with whom they spoke said they fled southern Kordofan after learning that the Sudanese military was undertaking house searches for Christians and SPLM-North supporters.

We stand just blocks from a museum that cries out, ''Never again.'' Meanwhile, it appears that this administration is complicit in allowing a genocidal government to have an advocate in Washington.

The people who have the authority and the power to stop this from happening are President Obama, Secretary of State Clinton, Secretary of the Treasury Geithner, Adam Szubin, who is the head of the office of OFAC, and David Cohen, the Under Secretary for Terrorism and Financial Intelligence at Treasury.

History will be the judge if they fail to act.

[From the Washington Post, Dec. 15, 2011]

SUDAN HIRES WASHINGTON LAWYER

(By Dan Eggen)

The Obama administration has allowed the Republic of Sudan to hire its first U.S. lawyer in years, prompting strong objections from human rights groups and some members of Congress.

Bart S. Fisher, a veteran international trade lawyer, is being paid $20,000 a month by Sudan to help the strife-torn African nation in its attempts to have U.S. economic sanctions lifted and be removed from the State Department's list of terrorism-sponsoring governments, according to federal registration documents.

The hiring has angered U.S. human rights activists and some lawmakers because of the Sudanese regime's history of alleged genocide and other atrocities against its citizens during a decades-long civil war. Fighting has flared again this year along the border with newly independent South Sudan, displacing an estimated 400,000 people and prompting new accusations of indiscriminate bombing and illegal killings by the Khartoum government.

Rep. Frank R. Wolf (R–Va.), a longtime critic of the Sudanese regime, attacked Fisher in the House and during a news conference this week for agreeing to work for ''a genocidal government'' that ''has blood on its hands.'' He also said he suspected the administration may have issued a license to Fisher because of the lawyer's past campaign contributions to President Obama, Secretary of State Hillary Rodham Clinton and other Democrats.

''I don't know how Mr. Fisher sleeps at night,'' Wolf said on the House floor Tuesday, adding later: ''If he has received one penny from the government of Sudan, he should return it immediately.''

An alliance of activists, Act for Sudan, plans to picket Fisher's Washington offices on Friday. ''Our government should not be seeing this as the time to reward the government of Sudan,'' said Act for Sudan spokesman Eric Cohen.

Fisher said in an interview Wednesday that the objections are misplaced and based on the erroneous idea that he is working as a lobbyist. Under the terms of the license issued by the Treasury Department, which enforces sanctions against Sudan, Fisher may only represent the Khartoum government in legal matters and is forbidden from lobbying or engaging in public relations, records show.

''I am not a lobbyist,'' Fisher said. ''I am a lawyer, and the Embassy of the Republic of Sudan is my client.''

The State Department has designated Sudan a state sponsor of terrorism since 1993, when the United States imposed sanctions on the country for harboring terrorists such as Osama bin Laden. The restrictions remained amid persistent allegations of genocide and other crimes during a 20-year civil war. A fragile peace agreement in 2005 led to the formation this year of the new nation of South Sudan.

The Khartoum regime has long sought ways to persuade the U.S. government to lift its restrictions, including the hiring of a Washington lobbyist in 2005, who was later prosecuted for working on behalf of the country in violation of sanctions.

The Washington Post reported in 2009 that the regime had worked through the nation of Qatar to enlist the help of former Reagan administration official Robert ''Bud'' McFarlane, who is now an adviser to Newt Gingiich's presidential campaign.

Documents filed with the Justice Department under the Foreign Agents Registration Act show that Fisher was hired Nov. 1 to ''counsel and assist the Republic of the Sudan in satisfying appropriate U.S. conditions to reduce and eliminate the Sudanese Sanctions Regulations and related U.S. laws.'' A license allowing the deal was issued by Treasury on Nov. 16, records show.

The fee is $20,000 per month, paid quarterly. Fisher's wife also received a gift of a purse and two candlestick holders from the republic on Nov. 2, disclosure records show.

A Treasury official, speaking on background, said that the agreement adheres to sanction guidelines because legal representation, but not lobbying or public relations, is allowed.

''Recognizing the importance of due process and opportunity for redress, our regulations ensure that even the worst actors have the opportunity to challenge the blocking of their property before U.S. government agencies and courts,'' the official said in a statement.

Fisher said Sudan's government needs legal representation to continue implementing the 2005 peace accord, which includes complex negotiations over transportation and other infrastructure issues with South Sudan.

''Is it controversial? Yes. But is it improper to have counsel under the Sixth Amendment of the U.S. Constitution? I don't think so,'' Fisher said. ''Why would they not have a right to counsel like anyone else?''

A ''NO'' VOTE ON NDAA: LET'S PROTECT AMERICA BY SHOWING OUR COMPASSION AND HONOR

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, now that the war in Iraq is drawing to a close, this is the perfect moment to reset our national security strategy, to change our underlying approach to protecting America.

Unfortunately, on the very day that the President visited Fort Bragg to affirm our full military withdrawal from Iraq, this body approved—without my vote—the National Defense Authorization Act, which will continue to dedicate billions upon billions of taxpayer dollars to warfare and weaponry.

While it's true that the bill represents some modest attempt at cuts, authorizing less than current law spending and less than the President requested, we're still talking about $662 billion in defense programs. $662 billion is a lot of money. It is particularly a lot of money at a time when the House majority won't part with a thin dime to create jobs and is committed to scaling back unemployment benefits.

The NDAA includes funding for the continued prosecution of the war on Afghanistan—a disastrous policy that proves to be a bigger failure with each passing day. We continue to spend enormous amounts of the American people's money on a war the American people don't support, and in so doing, more young Americans are either killed or maimed.

And to what end? For what benefit? For a policy that has emboldened the insurgents, inflamed anti-Americanism, and done little to bring peace, security, and stability to Afghanistan.

The authorization of military spending flies through the Congress while the domestic investments we need to put our people back to work are dead on arrival on the other side of the aisle. The authorization of war spending—exorbitant, excessive amounts of war spending—is rubber-stamped by this body when we could be spending pennies on the dollar to protect America more effectively with diplomacy, development, and other SMART Security tools.

To make matters even worse, the National Defense Authorization Act includes unacceptable provisions relating to the handling of detainees. It grants the President—any President—and the military broad powers to throw a U.S. citizen in jail indefinitely for suspected terrorist ties: without a swift civilian trial, without full rights of due process, without the proper presumption of innocence.

I emphatically reject the idea, Madam Speaker, that defending the Nation requires an assault on civil liberties and the rule of law. Madam Speaker, it makes no sense to say we are defending freedom by undermining freedom, to say we're going to defeat authoritarian forces by adopting authoritarian tactics of our very own.

Just the opposite, in fact.

We protect American interests and values by showing our Nation's compassion and honor—the better angels of our nature and not our darkest instincts.

United States security depends on winning hearts and minds around the world, but we'll never do it with military occupations and repressive detention policies. We'll do it by bringing our troops home and by immediately adopting the principles of a smarter security policy.

ISRAEL, TOGETHER WE STAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. A few months ago, Prime Minister of Israel Benjamin Netanyahu addressed a joint session of Congress in this very Chamber.

He was welcomed by Members with a standing ovation. Several times during his speech, Congress responded with applause. When a person in the gallery attempted to disrupt his speech, the entire House stood and applauded to show support for the Prime Minister over the disruption.

The Prime Minister noted that people can speak out in a democracy that supports free speech. We all know what happens when citizens challenge their governments in Syria, Iran, Libya, and other repressive countries. The Prime Minister clearly laid out his concerns for the Middle East, support for a two-state solution and a clear and unequivocal message against Iran's nuclear weapons development.

And following his speech, the joint session of Congress gave the Prime Minister a closing standing ovation.

Recently, New York Times columnist Thomas Friedman commented on Congress' response to the Prime Minister.

He said: ''I sure hope that Israel's Prime Minister, Benjamin Netanyahu, understands that the standing ovation he got in Congress this year was not for his politics. That ovation was bought and paid for by the Israel lobby.''

Now, Madam Speaker, I don't know if Mr. Friedman was in the Chamber at the time, and I do not know if he interviewed Members of Congress following the Prime Minister's speech. I certainly know he did not speak with me nor many of my colleagues before he came to this wrong conclusion. So for the record, I wanted to make it clear why I and others stood when the Prime Minister of Israel addressed the joint session of Congress.

I rose for the Prime Minister because he is a leader of state. We always show respect for such leaders—but in this case, there were greater reasons for our action.

I also rose because Prime Minister Netanyahu is the leader of a nation I respect, of a people I admire, and of a culture that I cherish.

I stood up in support of a nation that protects religious freedom for all religions even when they are surrounded by other nations that will not permit Christian churches nor synagogues to be built and are surrounded by those

whose people burn down Coptic Christian churches.

For Israel's tenacity, courage, intelligence, creativity, inventiveness, and endurance over thousands of years, I stood in respect.

When Iranian leader Mahmoud Ahmadinejad said Israel must be ''wiped off the map'' and ''the uniform shout of the Iranian nation is forever 'death to Israel' '' and that the Western powers ''launched the myth of the Holocaust . . . They lied; they put on a show and then they support the Jews,'' I stood up in support of Israel and stood against these hostile and hateful and false comments.

While Iran continues to develop nuclear weapons and openly threatens Israel and the Middle East and Europe, while some may cower in fearful silence, we will stand against nuclear proliferation by these rogue nations. That is why we passed strong sanctions against Iran and why we support all options to protect our friends.

We stood in support of Israel's continuous support of the safety and security of the people of the United States. When we were attacked by terrorists, Israel stood by us and continues to stand by us, and they take personal risks in doing so. We stood to show our gratitude to the people of Israel.

Now, like any relationship, ours is not perfect nor without differing thoughts and opinions. To be sure, there are times when we honestly disagree. That is the nature of governments elected by the people. There will be debate, but we must use these as opportunities to learn from each other, to reaffirm our promises, and to grow. All of that strengthens our bonds because we put respect, true resolution and a commitment to peace above all else.

Mr. Friedman would do well to understand the true issues behind our support. We are jointly committed to peace, to a two-state solution, to fighting terrorism, to supporting the tolerance of other religions, to supporting democracy, to standing up against those who would rain thousands of rockets on an innocent people.

We will not be silent. We will speak out against terrorism, and we will stand together.

So, for all of these things, I and others stood in respect, in support, and in an open show of our joint commitment to peace and civility.

And together we will stand again.

□ 1110

TRIBUTE TO STAFF SERGEANT VINCENT J. BELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Madam Speaker, I rise today to honor the memory of Staff Sergeant Vincent J. Bell, United States Marine Corps. He was 28 years old, the son of Pamela Alexander-Bell and James Bell, the husband of Karen Navarrete, and the brother of London Bell and Andrea Roe.

Staff Sergeant Bell enlisted in the Marine Corps on July 7, 2001, and became an artilleryman. During his career, Staff Sergeant Bell served his country with distinction and deployed in support of Operation Iraqi Freedom with Battalion Landing Team 2/1; 2nd Battalion, 11th Marine Regiment; Battalion Landing Team 2/4; and 5th Battalion, 11th Marine Regiment.

On October 31, 2011, Staff Sergeant Bell deployed with the 2nd Battalion, 11th Marine Regiment, where he served as a Howitzer section chief for a 10-man team in support of Operation Enduring Freedom. On November 30, Staff Sergeant Bell was in Kajaki, Helmand province, Afghanistan, when he stepped on an improvised explosive devices while on a dismounted patrol. He succumbed to his wounds, making the ultimate sacrifice for his country.

Staff Sergeant Bell loved being a marine. He said that ''the ability to serve is the greatest calling an American could do, even more so to be a United States marine.'' Staff Sergeant Bell was well respected by his seniors and subordinates alike. His company commander, Captain Joshua Kling, said he ''can't remember one conversation with Staff Sergeant Bell where he wasn't smiling and telling me how great it was. To suffer hardness and adversity with good cheer is the quality of a fine man. He was a rocket man, a cannoneer, a platoon sergeant, an entrusted marine who always got the job done.''

His platoon commander, First Lieutenant David Waters, said that all marines who served with Staff Sergeant Bell ''understood his sacrifice and will miss him as a brother and friend. He faced the fear and danger of this profession with a true heart. He had the heart of a warrior and spirit of a true patriot. I know he will be in heaven guarding the way.''

Staff Sergeant Bell loved his marines and being a mentor to them. Previously, he served as an instructor with the 11th Marine Regiment's Artillery Training School where he provided advanced training to the section chiefs for the regiment.

Upon returning to the 2nd Battalion, 11th Marines, Staff Sergeant Bell was excited that he was with a unit getting ready for deployment. Captain Kling noted that he was ''chomping at the bit to be challenged—for an opportunity to train, teach, and mentor marines.'' Sergeant Erick Granados described Staff Sergeant Bell as ''an outstanding marine, a great leader, and most of all, a good man. Firm but fair, guidance was always there when we needed it, but he let us do our job. He empowered his marines to take responsibility and lead others.''

Staff Sergeant Bell was devoted to his family, fellow marines, and friends. His brother said that ''Vincent was an outstanding marine and a good man. He had courage, commitment, and strong values. He believed in following orders, loved our country, and served our country with pride. He believed in doing the right thing for the right reason. Vincent had an amazing sense of humor, even in tough times. He had a very caring and nurturing personality and was a mentor to young people since he was a young man.''

Staff Sergeant Bell told his mother that it was a privilege to serve under both President George Bush and President Barack Obama. In 2009, Vincent called his mother from Iraq and told her that he had reenlisted because he wanted to have the privilege to serve under the first African American President of the United States.

Staff Sergeant Bell's wife Karen said that ''Vincent was a kind, giving man. I'll miss my husband every day of my life, but his spirit will remain alive with me, his family, and his marines.'' Karen's brother and sisters considered Vincent to be their big brother. Her parents shared a mutual respect for Vincent. They knew how much he loved and cared for her. In addition to his family and friends, Staff Sergeant Bell was also devoted to the family's wonderful dogs Nala and Nemo.

Staff Sergeant Bell's personal decorations include the Purple Heart, posthumously; the Navy and Marine Corps Achievement Medal with one gold star; the Good Conduct Medal with two bronze stars; and the Combat Action Ribbon with one gold star.

Since Staff Sergeant Bell's death was announced, his unit has received condolences from marines across the globe who served with him. This reflects his professionalism, leadership, and the lives he touched as a United States Marine. Our Nation has lost a good man—a son, brother, husband, and a marine—who gave his life in defense of freedom. He will be missed, and his sacrifice will not be forgotten.

LEAVE NO MAN BEHIND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Madam Speaker, I rise today to remind all Americans that we still have troops in harm's way. As the Iraqi war comes to a close and we prepare to draw down in Afghanistan, we cannot forget those who serve us, the men and women. We cannot forget those that are still being held captive in those foreign lands. And these are our volunteers. These are young men and women that went to the fight and volunteered to go there willingly because America calls.

Several weeks ago, I sent a letter to the President, asking him for his continued commitment for those that we have left behind, those that have been held against their will in Iraq and Afghanistan. Unfortunately, I never got a response. I never received a response.

And recently, if you read the British tabloids, one of the British papers talked about PFC Bowe Bergdahl who

escaped from his Taliban captors in Afghanistan and was on the run for 3 days. Unfortunately, he was recaptured. It shows you that we have those that are still in harm's way as we pull out from Iraq and start to withdraw from Afghanistan.

But we can never forget—we should never forget—the sacrifice that these young men and women have given to this country. They truly are the 1 percent that need to be talked about because they have volunteered at great risk to themselves and to their families.

I have three sons that are currently serving in the United States Army. And I know what it's like to have a son go to war. On numerous occasions now, my sons have been called. And one still is in Iraq today. So we can never forget about the sacrifice not only of the men and women in our armed services but how about their families and loved ones that they leave behind.

The warrior ethos says, We never leave a man behind. And I call upon the President and I call upon this great body to make that same statement, that we will never leave a man behind, that we will do everything within our power to make sure that we get these kids back home. And I call them kids because I have three sons, and I still call them kids, even when they're 30 years old. It is about doing the right thing.

So today we're putting forth a resolution, this resolution, asking for the House to exert its will, to talk about our unending commitment to those that have given up their freedoms to protect us.

In this season of Christmas, we need to think about the families that are out there whose loved one is being held captive, either in Iraq or Afghanistan. We cannot forget them. We should not forget them. And this great country should stand up for those that have stood up for us. We should express our outrage and our feeling that we will never leave a man behind on the battlefield, ever.

Madam Speaker, I just want to implore this body to stand up and vote for this resolution, talking about the sense of this Congress and supporting those men and women who have given so much and have asked for so little.

God bless America.

□ 1120

AMERICA WELCOMES TROOPS HOME

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to join some of the calls of my colleagues and to indicate that I thought this a very special day, December 15, 2011. A few hours ago in Iraq, Secretary Leon Panetta performed the Casing of the Colors Ceremony, which is to acknowledge the colors—the red, white, and blue—that our brave men and women fought under in Iraq.

We have soldiers still fighting around the world, and I was just speaking to my constituency. We know that one brave soldier from North Carolina even lost his life in the waning hours of the ending of this war.

And so at the beginning of December, in Houston, I called for the Yellow Ribbon Campaign and for America to wrap herself in yellow ribbons, both in respect of our returning soldiers, to acknowledge a job well done, and to welcome them home to an unsilent America.

I would like to thank Speaker BOEHNER, Leader PELOSI, Whip HOYER, and Majority Leader CANTOR for joining and indicating that they would support the wearing of yellow ribbons by our Members today and tomorrow, both in celebration and in recognition of the heroism of our troops and, yes, acknowledgment of our fallen heroes.

This war was almost 9 years, one of the longest wars that America has ever fought. It was a war that used $800 billion, moneys that I hope we will invest in our returning troops and their families and all Americans as we go forward.

The loss of life was very painful, the idea of the burden on families. So I believe these yellow ribbons, although meager, will symbolize this Congress being unified as Americans, saying thank you to our troops. And, frankly, we have many other challenges that we should be addressing and making sure that our troops come home to a place that is welcoming.

This morning, our whip made a very important point about the maturity of America. Many remember the days of the Vietnam War. We know the passion in that war. But, unfortunately, it appeared that those who were called to battle by the Commander in Chief were the ones who received the ire of those who had a different opinion. America has now matured, and we recognize that whenever our soldiers accept the call of battle, they are for all of us. The treasure that they shed, the blood that they shed, has no respecting of anyone's political affiliation.

So I am grateful to have the opportunity to call upon us in a bipartisan manner to wear these ribbons that were put together by the Young Scholars Academy in Houston. The founding principal is Dr. Anella Coleman. They worked very hard on these ribbons, and I think it is important to teach our children early on to appreciate the democracy that they live in and appreciate the freedom that they have and to recognize those who are on the front lines.

I call upon the Iraqi Government as well. My point is that the soldiers have left them a gift—a gift which they can build on or they can undermine. A gift of democracy, freedom, the understanding of friendship, taking care of children, even in spite of what may be violent outbursts. Will they have a democratic government? Will they allow those who are in Camp Ashraf, who are stated to be in a camp that will close by December 31, will they resettle the refugees in this camp nonviolently, peacefully, Iranian exiles who fled to Iraq? They are concerned about their refugees in many countries, as they do these refugees. I will be calling upon countries to treat the Iraqi refugees fairly, as we all would. But it is a burden on the present Government of Iraq to live peacefully, to accept religious differences and promote religious freedom and the First Amendment and the right to the dignity of life.

And so let me thank the leadership for joining us. Members will find these ribbons in their Cloakroom, each Cloakroom. Let us join together and say: Thank you. Welcome home to our troops, a job well done. God bless you, and God bless America.

ENERGY SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, what does the Iranian nuclear threat to Keystone XL pipeline and the payroll unemployment insurance, doc fix, and jobs bill all have in common? Well, I'm going to use this 5 minutes to tie them together.

Yesterday on the floor, we addressed a concern of the Iranian nuclear threat. We did so with two pieces of legislation: H.R. 1905, the Iranian Threat Reduction Act; and H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act.

Why did we bring these bills to the floor? We brought these bills to the floor because of our concern of a nuclear Iran that has threatened its neighbors and one of our closest allies, Israel.

So what's the Iranian response? Well, I would turn your attention, Madam Speaker, to an article published yesterday, December 13, from FOXNews.com, with the title, ''Iranian Official Threatens Military Drill Sealing Off the Strait of Hormuz.''

I will read the first two paragraphs:

''A high-ranking Iranian official has said Iran's military will practice sealing off the Strait of Hormuz, the world's most important oil transport channel, in a provocative move that illustrates Iran's capability of disrupting the world's oil supply.

''The announcement Monday by Parviz Sarvari sent oil prices up about $3 to $100 a barrel based on the speculation of a disruption during the military drills.''

Sarvari, a member of the Iranian Parliament's National Security Committee, is quoted as saying, ''Soon we will hold a military maneuver on how to close the Strait of Hormuz,'' in a statement reported by Reuters. ''If the

world wants to make the region insecure, we will make the world insecure.''

So the Keystone XL pipeline—which is the second part of this discussion—we heard on the floor yesterday, and it was acknowledged by both sides that, at a minimum, 20,000 jobs would be created, maybe up to 110,000 jobs. We also heard about organized labor being all in on the Keystone XL pipeline. I quoted a couple of members of organized labor. One would be Brent Bookers, director of the construction department at the Laborers' International Union of North America. He said, ''For many members of the Laborers, this project is not just a pipeline; it is a lifeline.''

But what doesn't get told about Keystone XL pipeline enough is its importance for energy security.

Now, look. If Iran can shut down the Strait of Hormuz, why do you think we're in the gulf? Why is the Middle East so important? We all know why it is; because that's where all of the crude oil is.

So why would we not access the third largest oil supply to the Earth from our northern neighbor, Canada?

The map is right here. Right up here you have the great Canadian oil sands in Alberta. The red line is already a pipeline called the Keystone pipeline. What is being proposed is the Keystone XL pipeline, which would help bring Canadian crude to the oil refineries in Texas.

□ 1130

Now, I already have Keystone crude oil coming to my refinery in Wood River, to the terminal in Patoka, and to the Marathon refinery in Robinson, Illinois, and that crude oil, once refined through pipeline, goes to Cleveland, goes to Detroit, goes to Chicago and goes all over the country. There can be no more secure route for crude oil for this country than the Keystone Pipeline and the Keystone XL Pipeline. Do we dare as a country still have to fret over threats by a member of the Iranian parliament because they want to shut down the Strait of Hormuz? We will have to continue to worry about this unless we continue to build and work with our Canadian allies on the Keystone XL Pipeline.

We know it's a jobs issue, we know it's an organized labor issue, and we know it's an energy security issue. And I just thought this story was timely with respect to our vote to hold Iran accountable. So we're on the record: We need energy security and we need the Keystone XL Pipeline.

RAPE IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise again today to highlight the epidemic of rape and sexual assault in the military. This is the 14th time that I will stand on this floor to tell the story of yet another victim. Each has proudly served their country, each was violently attacked, and each was subjected to a system of justice that protects the perpetrators and punishes the victims.

Make no mistake, the United States military is the finest in the world. But even the Department of Defense recognizes that there is a deep-rooted problem of military sexual trauma that must be addressed. DOD estimates that there are some 19,000 soldiers who are sexually assaulted or raped each year in the military. It's a staggering figure. Sexual assault in the military is a cancer that is undermining readiness, unit cohesion and morale, and fixing this broken system will strengthen our military, not weaken it, as some have argued.

Today, I want to tell the story of Specialist Andrea Neutzling. Originally from a small town on the banks of the Ohio River, Specialist Neutzling served in the Army from 2000 to 2004 and then served in the Army Reserves from August 2004 until April 2010. She has served her country in Korea and twice deployed to Iraq.

In 2002, while serving in Korea, Specialist Neutzling was sexually assaulted by an intoxicated colleague outside the latrine. She decided to report the assault to her command, and her assailant was sentenced—sentenced to 5 days of base restriction. That was it.

In August of 2005, Specialist Neutzling was deployed to Iraq, and again one of her fellow soldiers sexually assaulted her. But after learning what ''justice'' meant for a previous perpetrator and not wanting to be seen as a troublemaker, she decided not to report the sexual assault to command. Instead, she simply slept on a cot, her rifle pointed toward the door for days. Several months later, she was deployed again to Iraq. After being in the country for 2 weeks, Specialist Neutzling was brutally raped and physically assaulted by two soldiers. The two soldiers were from a unit that was scheduled to depart Iraq, and their unit was being replaced by Specialist Neutzling's unit. The soldiers were drunk when they raped her and threatened to beat her if she struggled. Specialist Neutzling suffered serious bodily injuries from the rape.

Again learning what ''justice'' meant from her previous perpetrator, Specialist Neutzling decided not to report the rape to command. She didn't say a word about her rape for a week until another woman in her unit informed her that her perpetrators were showing a video of the rape and bragging about it. After learning this, Specialist Neutzling reported the rapes to her command.

So what happened this time? Her command told Specialist Neutzling that they did not believe that she had been raped because she ''didn't act like a rape victim'' and ''did not struggle enough.'' Her unit commander also told her that he decided not to disclose Specialist Neutzling's allegations of rape to the investigative services because he didn't want the men separated from their unit. If the men were charged, they would have to stay in Iraq or would have to go to Kuwait.

Additionally, Specialist Neutzling's command unilaterally downgraded her complaint of rape to sexual harassment. Her assailants were scheduled to leave in 2 weeks, and they left on time facing no charges.

In the current military chain of command structure, the commander did nothing wrong. Commanders can issue virtually any punishment, or in this case, no punishment at all. Command has complete authority and discretion over how a degrading and violent assault or rape under their command is handled. They are the judge and jury.

We need to end this unjust and horrific pattern, and we need to end it now. That's why I have introduced H.R. 3435, the STOP Act, because it's time. It's time to stop this horrific culture in the military.

AMERICA IS NOT BROKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Madam Speaker, I have listened to a lot of Republicans here on the House floor and back in Connecticut talk about how they think that the only way to build up America is to tear down government and start divesting from our public institutions. That's simply not the history of this country. Over the last 100 years, we've become the world's leader by layering massive private investment on top of massive public investment. And yet day after day, I listen to the right wing come down to this floor and tell the American people that we can no longer afford to make these kinds of investments that we used to make in roads, in rails, in schools, and in new technologies.

And, so, it's time that the rest of us stood up here and told them that they're simply wrong, that America is not broke. We have all of the resources and all of the willpower necessary to make the investments we need in order to regain our global competitive edge, but only if we start dealing with facts rather than just with political rhetoric.

So, over the next few minutes, I want to show you four pretty simple charts that debunk this myth that our Nation is broke and that we can't muster the resources necessary to meet the challenges of a global century.

Let's start here. The United States is still the richest country in the world. In fact, our GDP ranks us at the top of the list among G–20 countries. And for all of the talk about the rise of China, India, and Brazil, our country is still

wealthier than all three of those nations combined on a population-adjusted basis.

And, so, we have wealth in this Nation. What we have done, though, is make a conscious choice to make our government poor. We are going to spend about a million dollars a year more than we actually take in in revenue. And it's important to talk about why that is. First of all, the notion that discretionary spending is out of control, which is the popular belief, just isn't true. In fact, discretionary spending since 1980 has remained pretty static. If you don't believe that, then think about this statistic for a second. If you thought that government spending was running amok, you would expect that Federal employees were increasing, as well. Well, that's not true either. Since 1970, we actually have 16,000 less Federal workers than we did then.

Now, this doesn't mean that the government can't get leaner and that it can't get meaner. It just means that there's another culprit at work when we talk about why our government is so broke, even if our Nation is not, and that's revenue. Today, as a fraction of GDP, this country is collecting less taxes than it has in 60 years. In fact, today, we are collecting only about 15 percent of taxes as it relates to GDP. Now, we're spending more, but the bigger problem is that we're collecting less revenue.

So, if the problem is that the government is broke but that our Nation isn't, why does it feel like so many people are out there that are broke? Well, let's explore that with the last chart. Here is the essential problem. Over the last 30 years, the incomes of the bottom 90 percent of Americans have remained virtually flat while the incomes of the top 1 percent of Americans have grown by 300 percent.

□ 1140

This is a recipe for economic disaster because, if the bottom 90 percent of Americans don't have enough money to spend, then pretty soon they're not going to be able to buy what the top 1 percent are selling. Everybody fails if this economic equation continues.

And the economic history of the last 100 years tells us one thing—that government has a pretty important role to play in helping to create wealth among the bottom 90 percent. We create real, widespread wealth when we invest in education to move more kids more quickly through quality higher education. We create real, widespread wealth by investing in businesses that create technologies before they become commercially viable. And we create real, widespread wealth by investing in infrastructure so that once again people and goods in this country can move from economic center to economic center without delay.

Yes, these investments cost money, but this country isn't broke. Prosperity in this Nation has never appeared out of thin air. It's never come from gutting consumer protection or environmental regulation, it's never come through slashing taxes for the wealthiest Americans, and it's never come from government just sitting by on the sidelines and letting other countries eat our technological lunch. It's come through an innovative partnership between public investment and private ingenuity.

Now, America can recommit ourselves to this partnership, but only if we wake up to the reality that we are not broke.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and Gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of the People's House to be the best and most faithful servants of the people they serve. May they be filled with gratitude at the opportunity they have to serve in this place.

We thank You for the abilities they have been given to do their work, to contribute to the common good. May they use their talents as good stewards of Your many gifts and, thereby, be true servants of justice and partners in peace.

As this first session of the 112th Congress draws near its end and pressing legislative business once again weighs heavily on this Hill and throughout our land, withhold not Your Spirit of wisdom and truth from this Assembly. Give each Member clarity of thought and purity of motive so that they may render their service as their best selves.

May all that is done this day in the People's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

Mr. PALAZZO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PALAZZO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NATIONAL DEFENSE AUTHORIZATION ACT PROTECTS THOSE WHO SERVE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the House passed legislation that supports and provides for servicemembers and their military families who have chosen to dedicate their lives to service in our Armed Forces to protect American families.

After victoriously fighting the global war on terrorism for over a decade, our military families deserve recognition for their service. This bill gives to our military families a 1.6 percent increase in basic pay and protects against the rising cost of health care fees.

Additionally, the National Guard Chief, General Craig R. McKinley, will be provided a seat on the Joint Chiefs of Staff, giving the Guard a voice in military discussions. As a Guard veteran and proud dad of three Guard members under the command of Adjutant General Bob Livingston, I am grateful for the recognition of Guard capabilities.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

FACTS ARE STUBBORN THINGS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, our third American President, John Adams, once said, ''Facts are stubborn

things; and whatever may be our wishes . . . or the dictates of our passions, they cannot alter the state of facts.''

Well, Mr. Speaker, the facts are that the health care reform law is working for millions of young adults all across this country. Yesterday, the Department of Health and Human Services released figures which show that 2.5 million young Americans up to age 26 are now covered because of the Affordable Care Act's provision that allows age 26 coverage for families. Private and public employers all across America now provide this benefit at a cost of only, on average, 1 percent to health care costs. This is a plan which is working.

Last week, figures came out that showed that 2.7 million seniors are now getting relief from prescription drug costs—$1.5 billion in reduced prescriptions drug costs because the Affordable Care Act is closing the doughnut hole.

Facts are stubborn things, and the facts show that the health care reform law is helping young Americans and older Americans.

FUTURE FARMERS OF AMERICA

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize the Southside High School chapter of the Future Farmers of America from Batesville, Arkansas. Southside's FFA chapter, under the leadership of Mr. Chase Hilton, revitalized its animal science program 3 years ago. Since resuming the program, Southside has been a powerhouse in State and national competitions.

One hundred thirty-five students at Southside, many of whom have never been involved in livestock, are now working in the school's stockyard raising cattle, sheep, hogs, and horses. Recently, Blaine French and Trenton Tosh won honors at the Independence County Fair with Grand Champion Angus and Hereford cattle. Blaine had Grand Champion and Supreme Champion hogs, and also won Best of the Best Showmanship Award.

Trenton Tosh won Grand Champion Hereford Heifer and Grand Champion Hereford Bull at the Arkansas State Fair.

Southside's Livestock Evaluation Team, made up of Blaine French, Trenton Tosh, Jackson Mead, and Thomas Johnson, were named the Arkansas State Champions and went on to place eighth in Nationals.

More important than any medals or awards are the life lessons those students learn and are learning through State and national competitions.

I commend Southside Future Farmers of America and their instructor, Chase Hilton, for their outstanding achievements. I know they're watching now.

Congratulations. Great work.

THANKING OUR RETURNING TROOPS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Members, thank you, and to my colleagues again, let me acknowledge the wearing of the yellow ribbon in a bipartisan way to say thank you to our troops.

But I do want to thank as well, again, the Young Scholars Academy and Dr. Anella Coleman, who were so kind to make these ribbons and to learn about our appreciation for the work of our troops coming home from Iraq. Over 100,000 have come home in the last 14 months, and I'm asking our Members to go home and yellow-ribbon your offices and your community, and have signs on your marquee that say, Welcome home to the troops, a job well done.

We never want our troops to come home from any battlefield, called to serve their Nation, to a silent America. And again, as we've supported or promoted better conditions for family and troops, we were able yesterday to give them a 1.9 percent increase in salary.

Now, as we go home for the holiday season, doing our work, let us say thank you to our troops. Thank you, Members, for wearing a yellow ribbon today.

□ 1210

PUT AMERICANS BACK TO WORK

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Ohio. Mr. Speaker, it's time for President Obama and HARRY REID's do-nothing Senate to work with House Republicans to get America back to work. To date, House Republicans have passed 28 jobs bills, most recently the Middle Class Tax Relief and Job Creation Act, a bill that ensures all hardworking Americans keep more of their pay, protects Social Security, ensures access to medical care for seniors, and creates jobs.

But President Obama's contempt for job creation through energy development is astonishing. Why would he stand in the way of almost 200,000 new jobs that come with the construction of the Keystone XL pipeline that has bipartisan support? President Obama says he wants to put America back to work, but, at the same time, he threatens to veto a bill that would do exactly that and take us one step closer to energy independence.

The American people can't wait any longer. I urge the Senate and the President to act on measures that will spur job creation and real economic growth.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). Members are reminded that remarks in debate may not engage in personality toward the Senate.

PASS THE JOBS ACT

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I'm proud to be here wearing this yellow ribbon to welcome home our troops from a job well done in Iraq. My thoughts go back to April of 1968 when I came back from Vietnam to a very different America, and I'm grateful that today our troops are coming back to a welcoming and thankful Nation.

In that vein, as we sit here today and think about the holiday season, the majority of us will be fortunate enough to spend this time being surrounded by family and friends; but we should never forget that, at the same time during this holiday season, there are many among us who are homeless, who are hungry, who are out of a job and simply do not know where their next meal will come from.

This should serve as an important reminder to all of us here as Members of Congress that we must work jointly in a bipartisan manner to address the critical issues of our time. It is simply unacceptable that partisan politics prevent us from working for what's best in this country.

THE ULTRALIGHT SMUGGLING PREVENTION ACT OF 2011

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, the House will soon have the opportunity to approve the Ultralight Smuggling Prevention Act of 2011. This bill will make changes for those using or planning to use ultralight aircraft in cross-border smuggling similar to those using other aircraft. It will also continue ongoing cooperation between the Department of Defense and Homeland Security that is enhancing efforts to combat illicit cross-border trafficking.

As pressure has been applied to the border, Mexican organized crime has turned to a new and innovative smuggling approach—the use of ultralight aircraft. It's a pressing concern.

A similar bill introduced by my colleague from Tucson was overwhelmingly approved by this body in the last Congress, and those provisions were included in standalone legislation that I introduced in this Congress.

I congratulate the Senate for having passed S. 1974. I appreciate cooperation on both sides of the aisle to get this important matter to the President's desk.

VACANT AND ABANDONED HOMES

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise to address the large number of vacant and

abandoned homes in my district and across the Nation.

Remnants of the foreclosure crisis still linger everywhere. Home values plummeted during the country's economic crisis and have continued to decline year after year due to the blighted and abandoned homes. Nationally, nearly 4½ percent of mortgages are in foreclosure. More than a quarter of mortgage borrowers are underwater, and 11 percent of all homes are vacant.

City and State governments need our help. In the Cleveland area, 15,000 homes are vacant and in need of demolition. Demolishing these structures will cost approximately $100 million.

Homeowners are depending on us to help stop the free-fall of their property values. It is time we develop and pass meaningful legislation that promotes the revitalization of our neighborhoods.

PICAYUNE 5A FOOTBALL STATE CHAMPIONS

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. The city of Picayune might be small, but its legacy is one of strength and power. In the early 1900s, trains out of New Orleans stopped in Picayune to pick up steam engines to power them northwards and uphill. This vision of a powerful locomotive steaming ahead is a good metaphor for this year's Picayune High School Maroon Tide football team.

According to Head Coach Dodd Lee, people who really like what they do usually do it pretty well, and if that's the case, Coach Lee's players must really like playing great football.

In a 38–21 win over Starkville, the Maroon Tide clenched the 5A win, bringing Picayune its first State title since 1986.

Aside from the obvious desire to win on both sides of the ball, Picayune has some secret weapons on their team, namely: quarterback, Ben Hickman; leading rusher, Deronte Magee; receiver, Justin Mark; kicker, Dalton O'Meara; and a small but mighty pair of linebackers, Troy Egana and Cody Smith.

Congratulations to the city of Picayune and to Picayune High School on their State championship.

PROTECTING WORKERS' RIGHTS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, it's no secret that my Republican colleagues really don't want to extend the payroll tax cuts and unemployment insurance. Republican Members have called it a gimmick. They've admitted the only reason they brought it up for a vote was that they didn't want to take the political heat for raising taxes on the middle class. But instead of coming up with an honest compromise designed to actually pass, Republicans have filed a bill with provisions that wind up actually hurting the middle class and many still struggling in this slow economy.

Playing risky political games with our clean air, our clean water, raising Medicare premiums on seniors, that's not the way Americans expect us to govern, and designing a bill that can't pass is the type of political games that my Missouri constituents are fed up with. We need an honest bill now.

I call on my Republican colleagues to stop the obstruction, stop the distraction, stop the games. Let's pass a real payroll tax bill now.

WE MUST DO BETTER

(Mr. JOHNSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in strong objection to the animosity and gridlock that's been the overarching theme of this first session of the 112th Congress.

I make dozens of calls and similar personal contacts directly with my constituents every day, probably more than any other Member of Congress. These people live in the real world beyond the beltway environment in which too many public officials live and work, sheltered from reality, by communication primarily with each other in a self-created climate that bears little similarity to the rest of America.

In my years in public office, I have never heard the level of anger I hear today. Our approval ratings are in the tank, and they should be. We are gripped in gridlock because people on both sides of the aisle in both Chambers and in the White House are more concerned with politics than progress.

As our economy continues to stagger, our attention should be focused on putting people to work and providing a stability in public policy. We can only do that through cooperation, compromise, and civility.

My message to leadership and membership, including myself, in both Chambers is this: We have to do the business the people expect us to do, efficiently and in an adult-like manner. Anything less is both irresponsible and unacceptable. We can and we should do vastly better than what we are.

TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. First of all, Mr. Speaker, I'd like to welcome our troops back; and as we welcome them back, let's make sure we take care of them while they're here in the United States as well and make their lives a lot better.

Mr. Speaker, it's time to stop showboating and get to work. If Congress does not act by the end of the year, 160 million Americans will face a tax hike next year and another 60 million people will lose unemployment benefits.

Failure to extend unemployment benefits has a real impact on men and women across every State, people like Norma Lopez from my district in Ontario. While Norma has been looking for work, her unemployment benefits have kept her from getting foreclosed and has helped her make car payments.

Unfortunately, the Republican proposal is full of poison pills and amendments that make the bill dead on arrival in the Senate. Republicans are asking seniors to pay more for Medicare and they're leaving the unemployed out in the cold, yet they refuse to ask millionaires and billionaires to pay their fair share.

Stop the political games. People's lives are hanging in the balance. They deserve help. Let's work together on a compromise bill that will help all of us.

□ 1220

THE AMERICAN PEOPLE ARE WATCHING AND WAITING ON THE U.S. SENATE TO ACT

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, with the American people looking on, Members of the House, once again, find ourselves in a waiting position—waiting and waiting and waiting on Senator REID and his Democrat majority in the U.S. Senate as they decide whether they are going to let the government shut down tomorrow night at midnight; whether they are going to let tax relief for millions of Americans, middle class families, expire at the end of this month; whether they are going to let long-term unemployment benefits expire; and whether they are going to keep America's doctors from being hammered with a 27 percent increase on their Medicare reimbursement.

Mr. Speaker, the people's House is doing the people's work. As you know, we've passed 28 bills, all aimed at creating new American jobs. Sadly, all the majority on the other side of the Capitol seem able to do is poke sticks at what we've done, but they haven't offered a realistic option or passed a single thing.

Mr. Speaker, the clock is ticking, and the American people are watching and waiting on the Senate to act.

STEM EDUCATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I believe that one of the keys to keeping our country globally competitive is to increase the number of American students who are prepared to pursue careers in science, engineering and technology. So it is with special pride that

I note that, last week, the White House honored Tamara Brown from Hamburg, New York, as a champion of change for her work with young women and their parents and teachers.

Seven years ago, Tamara founded Tech Savvy, a program using fun and innovation to inspire students to explore their talents in science and math and to pursue our Nation's careers of the future. In bringing together industry, academic and community leaders, Tamara has helped so many young western New Yorkers discover their full potential. She has helped prepare them for some of our Nation's highest-paying and most competitive career fields.

I applaud Tamara Brown for helping girls from western New York train for careers in science, and I congratulate her on this wonderful recognition.

BIG GOVERNMENT IS THE TOP CONCERN FOR AMERICANS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Some in this Chamber believe that the answer to our Nation's problems is more government, that we need more unchecked spending, more unelected bureaucrats, and more rules and regulation in our everyday lives.

Yet, in a Gallup Poll just this week, 64 percent of Americans across the political spectrum responded that their biggest fear and the greatest threat to our country is Big Government. They've seen, just as I've seen, that burdensome rules and regulation and out-of-control spending and debt bring us nothing but high unemployment and an uncertain future for our kids and our grandkids.

That's why the House Republicans have been working tirelessly this year to pass pro-growth, pro-jobs bills that will restore the confidence our Nation's job creators need to put Americans back to work again. Yet nearly 30 of these bills, which would restore reasonable regulation, reduce spending and create a smaller, less intrusive Federal Government, continue to languish over in the Senate, which still refuses to address the needs of unemployed Americans.

We can't wait. Pass these jobs bills so that Americans can start working again and so that America can move forward.

IN THE SPIRIT OF CHRISTMAS, CHANUKAH, AND KWANZA, LET'S PASS A CLEAN BILL

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. This year and every time the Democrats have tried to do the right thing for the American people, the Republicans say ''no'' unless they add their poison pills. In the past, that might have led to negotiations that might have ended in a bipartisan solution—but not so today.

Today, Republicans are trying to force us to accept the Keystone pipeline before we are sure it is safe for the communities it will traverse and won't make the air we breathe dirtier than it already is. The President is right to wait until those things are assessed. In their zeal to kill the Affordable Care Act, they want to slash the Public Health and Prevention Fund and other programs that keep people healthy and reduce health care costs for families and our country.

Democrats have been calling for passing our Make It in America and other jobs bills, but the Republicans insist on jobs that damage the public health and on killing jobs in the only sector that is growing—health care. Because they have not helped the recovery, our fellow Americans still need the payroll tax deduction and unemployment insurance and a fix of doctors' Medicare reimbursements so that they can continue services to the millions of Americans on Medicare.

Let's do a clean bill in the spirit of Christmas, Chanukah and Kwanza.

A big ''welcome home'' to our troops. I thank them all for their service.

TROOPS RETURNING FROM IRAQ

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise to honor our brave men and women returning home from Iraq, especially Rhode Island's Company D, 126 TAC.

Thank you for your tremendous dedication, selfless efforts, and courageous service to our country.

Tragically, thousands of our servicemembers have made the ultimate sacrifice, and I join all Americans in honoring their service and sacrifice and those of their families.

It is because of you that we are able to enjoy the great freedoms, privileges, and rights we have here at home.

With the homecoming of our troops from Iraq, we must keep our promise to our veterans. On the battlefield, the military pledge is to leave no soldier behind. As a Nation, let it be our pledge that, when they return home, we leave no veteran behind. We must do everything we can to honor them by guaranteeing they have the help they need in finding employment, in securing housing, and in accessing quality health care.

The men and women who have served our country demonstrate the ideals of bravery and patriotism. Now let us work together to create a future worthy of their service.

REPUBLICAN EFFORTS TO CUT UNEMPLOYMENT INSURANCE

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Mr. Speaker, I rise today to oppose Republican efforts to slash unemployment benefits.

Earlier this week, House Republicans passed legislation that would cut 40 weeks of unemployment benefits and impose new hurdles for Americans relying on this critical lifeline. With five job seekers in the United States for every available job, the average time it takes an unemployed worker to find a new job is 10 months. Instead of passing the American Jobs Act and getting our Nation's long-term unemployed back to work, Republicans are cutting benefits which millions of Americans rely on for groceries, utilities, and rent.

The Republican plan would hurt workers who are having difficulty in finding new jobs and would pull billions of dollars out of our still-recovering economy. Poverty is at its highest level since 1993; but unemployment benefits kept over 3 million Americans, including 1 million children, out of poverty in 2010; and now Republicans are fighting to gut this necessary lifeline.

During this holiday season, when millions of Americans are worried about being able to pay their rent, I urge my colleagues to oppose slashing unemployment benefits.

BENNY COCKERHAM, III

(Ms. EDWARDS asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS. Mr. Speaker, I rise today to pay tribute to our servicemen and -women who end their mission in Iraq.

Like many, I woke this morning to the End of Mission ceremony, and I thought about Corporal Benny ''Gray'' Cockerham, III of North Carolina. He was the son of my good friends Ben and Jill Cockerham. He lost his life at age 21 in al-Anbar province in Iraq on October 21, 2005.

Like his father, he joined the Marine Corps in service to this Nation, and he is survived by Ben and Jill; his wife, Amanda; and his brother, Adam.

And like the 4,486 other men and women who lost their lives in Iraq, the mission has ended.

I want to pay tribute today to all of our servicemen and -women for their service and for their sacrifice and especially to my friends Ben and Jill for the loss of your son. I remember when he was born on June 28, as we shared a birthday, and I want you to know that the Nation is ever grateful for all your sacrifice and for your service.

HONORING UNILEVER NATIONAL PARKS CONGRESSIONAL INTERNSHIP PROGRAM

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I too rise in honor of our troops who served honorably not only in Iraq but who continue to serve throughout the world in

protecting our freedoms. They've done a job well done.

In addition, I rise today to honor the Unilever National Parks Congressional Internship program in partnership with the Student Conservation Association.

For 11 years, this program has engaged the next generation of conservation leaders by facilitating internships in national parks and on Capitol Hill for 63 top-notch young professionals. The program has served as an important stepping stone in their public policy and conservation careers.

It is with great sadness that this program has come to an end; but I have had the privilege, along with my colleagues, in working with seven of the Unilever congressional interns in my office.

I commend the Unilever and Student Conservation Association for sponsoring such an innovative program, and I thank all of the interns for their dedication and service. I wish them all the best in their future careers as they add value to the fabric of our Nation.

□ 1230

REPUBLICAN OPPOSITION TO PROPOSED TAX CUT

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Mr. Speaker, here we go again. For the third time this calendar year, we are facing the real likelihood of a government shutdown. And why? Because, Mr. Speaker, of all things, Republican opposition to a tax cut proposal. The Republican majority, which has spent the last 49 weeks of the American people's time protecting tax cuts for millionaires, multimillionaires, and billionaires, does not want to extend the same courtesy to the struggling middle class.

It's a shame, Mr. Speaker, that the people's House cannot agree to pass commonsense legislation that benefits the majority of the American people without including poison pills that ensure the air we breathe is clean, our water is safe to drink, and our seniors have access to quality health care.

Unfortunately, this should not come as a surprise to the American people who have watched the Republican-led 112th Congress unleash an all-out assault on our middle class and aspiring middle class and the most vulnerable amongst us.

Mr. Speaker, during these tough times, we cannot afford to pass partisan legislation that toys with and diminishes the livelihoods of the American people, that harms our economic recovery efforts, and removes environmental safeguards. We must put politics aside, pass commonsense legislation that helps the American people, and not use them as political bargaining chips.

I would like to take this opportunity to welcome home America's service-women and -men and thank you for your service to our Nation.

EDUCATION

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, first, I certainly want to thank our troops and their families for their sacrifice as we exit from Iraq.

It is my honor now to continue to bring the voices of my constituents to this floor. And the following is from Howard Tenenbaum. He is a science teacher in La Jolla, and I believe his class is watching today. He sent me his opinion on education:

''Weighing a pig every day doesn't get you a fatter pig. And annual testing of all students in all subject areas, without it impacting their grade, has not resulted in smarter students. It has made our students lose their intrinsic desire to learn and added an expensive layer of bureaucracy to an already administratively top-heavy system.

''This is especially true for science education. It is clear that the current accountability system has failed. Our students, parents, and their teachers are being held hostage to this failed system. When was the last time you were forced to take an exam, asked to do your 'best,' and knew that the result wouldn't affect how you were being evaluated?''

Mr. Speaker, I want to thank Howard for bringing to the House his thoughts on education and this question to our floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2011 at 9:22 a.m.:

That the Senate passed with an amendment H.R. 1892.

That the Senate passed with amendments H.R. 515.

Appointments:

National Advisory Committee on Institutional Quality and Integrity.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 1:15 p.m. today.

Accordingly (at 12 o'clock and 33 minutes p.m.), the House stood in recess until 1:15 p.m.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 1 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

WELFARE INTEGRITY AND DATA IMPROVEMENT ACT

Mr. PAULSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3659) to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Welfare Integrity and Data Improvement Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Extension of program.
Sec. 4. Data standardization.
Sec. 5. Spending policies for assistance under State TANF programs.
Sec. 6. Technical corrections.

SEC. 3. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1) is amended—

(1) in subparagraph (A), by striking '' each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012'';

(2) in subparagraph (B)—

(A) by inserting ''(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)'' after ''this paragraph'' the 1st place it appears; and

(B) by inserting ''(as so in effect)'' after ''this paragraph'' the 2nd place it appears; and

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' and inserting ''2012''.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2013'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2012,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''each of fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking ''each of fiscal years 1997 through 2002'' and inserting ''fiscal year 2012''.

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''for fiscal years 1997 through 2003'' and inserting ''fiscal year 2012''.

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112–35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. DATA STANDARDIZATION.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(d) DATA STANDARDIZATION.—

''(1) STANDARD DATA ELEMENTS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

''(B) REQUIREMENTS.—In designating the standard data elements, the Secretary shall, to the extent practicable—

''(i) ensure that the data elements are nonproprietary and interoperable;

''(ii) incorporate interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(iii) incorporate interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(iv) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

''(2) DATA REPORTING STANDARDS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standards to govern the data reporting required under this part.

''(B) REQUIREMENTS.—In designating the data reporting standards, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language. Such standards shall, to the extent practicable—

''(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(ii) be consistent with and implement applicable accounting principles; and

''(iii) be capable of being continually upgraded as necessary.''.

(b) APPLICABILITY.—The amendments made by this subsection shall apply with respect to information required to be reported on or after October 1, 2012.

SEC. 5. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—

''(i) any liquor store;

''(ii) any casino, gambling casino, or gaming establishment; or

''(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

''(B) DEFINITIONS.—For purposes of subparagraph (A)—

''(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

''(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

''(iii) ELECTRONIC BENEFIT TRANSFER TRANSACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.''.

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

''(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

''(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

''(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

''(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

''(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).''.

(c) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking ''or (13)'' and inserting ''(13), or (16)''.

SEC. 6. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking ''subtitle 1 of Title'' and inserting ''Subtitle 1 of title''.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking ''403(b)(6)'' and inserting ''403(b)(5)''.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PAULSEN) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. PAULSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PAULSEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 3659, legislation to extend Temporary Assistance For Needy Families and related programs through the end of this fiscal year, as well as to ensure that these funds are spent appropriately.

Now, before describing the legislation in greater detail, I note that these same provisions were already approved by the House as part of H.R. 3630, the Middle Class Tax Relief and Job Creation Act, on Tuesday of this week. But given some of the uncertainty about that legislation, it makes sense to ensure that the TANF program continues to assist families past December 31, when its current authorization expires. That's the first and most important thing that this bill will do.

The TANF program has been generally successful at reducing welfare dependence and encouraging work. This success is partly evidenced by the fact that since it began in 1996, TANF caseloads have fallen by 56 percent through June of this year. And a key reason why this happened is because TANF is designed to promote and also support work. Unfortunately, it is one

of the only anti-poverty programs that actually does so, focusing on helping move people from government checks to paychecks.

And especially, given that the focus and the fact that this program helps so many single parents with children, we need to continue TANF so low-income parents have the dignity of working and supporting their family.

But we also can't stop there. Extending TANF will also provide us the opportunity to develop long-term solutions to some of the problems revealed in a subcommittee hearing earlier this year, such as making sure that work requirements apply in all the cases that they should.

In discussing this issue with Subcommittee Chairman GEOFF DAVIS, I know that that remains a key focus of the Human Resources Subcommittee agenda in the coming year.

Aside from extending TANF and related programs, this bill contains two important and bipartisan program integrity provisions. First, it requires that States apply specific data standards to the TANF information they use when administering benefits and reporting data to the Federal Government. This will help ensure that States have reliable data to use in matching within TANF and across other programs, to ensure that the right people are receiving the right benefits.

Unfortunately, today that is not always the case. The absence of such data standards undermine program integrity and results in the waste of taxpayer funds; and that needs to end. This data provision is identical to provisions affecting child welfare programs signed into law by the President in September as part of the Child and Family Services Improvement and Innovation Act. And I know Subcommittee Chairman DAVIS and the gentleman from Texas, my colleague, Mr. DOGGETT, have worked together throughout the year on this effort.

□ 1320

The second program integrity provision closes what some have dubbed the ''strip club loophole.'' This loophole currently allows individuals to access welfare benefits at ATMs in strip clubs, liquor clubs, and casinos. This provision insists that all States will take the necessary steps to end this abusive practice which has been highlighted in news stories across the country.

Some States have already implemented policies to close this loophole, ensuring that welfare benefits are spent to support children and families. This bill ensures that all States take action to close this loophole.

I note that this policy is the same as that introduced by Senators HATCH and BAUCUS, the ranking member and chairman, respectively, of the Senate Finance Committee, so it has strong bipartisan support in the other body as well.

Most importantly, Mr. Speaker, by continuing funding for TANF and related programs at their current levels, this bill does not add one penny to the deficit.

Again, this legislation continues TANF and related programs for 9 months, while making needed changes to improve program integrity. More does need to be done to further improve TANF, especially on how it helps parents go and get to work. This legislation will allow that process of reform to continue into next year, while ensuring that important TANF benefits remain available beyond their current December 31 expiration.

I want to thank Representative GEOFF DAVIS, the chairman of the Ways and Means Subcommittee on Human Resources, for his work and effort on this issue, as well as Dr. BOUSTANY and Mr. SCHOCK for their important efforts and cosponsoring this measure that we're bringing forward to the House today.

I ask all my colleagues to support it and pass it.

I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

I rise in reluctant support of this measure, asking for its approval, because without approval, Federal funding for Temporary Assistance for Needy Families will expire on New Year's Eve. My reluctance centers on the incomplete nature of this extension.

It's incomplete, first, in terms of time. In September, Republicans declined to extend this necessary funding for more than 3 months. Now they extend it only for another 9 months, assuring that during the height of the 2012 campaign season next year they'll have an opportunity to blame the poor for whatever questionable anecdote arises in the meantime.

This type of short-term extension at a time of a budgetary crisis in many of our States reduces the ability to plan and to reform. It assures that direct assistance to our most vulnerable neighbors will just barely hang on. It postpones any meaningful action on responding to the Census Bureau report that more Americans were poor in 2010 than at any recent time.

In my home county in the capital of the State of Texas, the percentage of children living in poverty grew from 18.3 percent in 2007 to 24.5 in 2010—almost one in every four children, in our area, impoverished.

And today's bill is incomplete in terms of coverage. An important part of the 1996 reform of the welfare law, a reform that I personally supported, an important part is omitted today, the TANF supplemental grants. These are funds that are allocated to help those States like Texas that were negatively affected by the Federal formula in place at the time.

Without any good explanation or justification, Republicans allowed this initiative to expire last summer, and they continue to do so today. This means that a State government in Texas that is largely indifferent to the needs of its poor citizens has even less capacity to respond to those needs. Because of this deliberate and unjustified omission, Texas loses $500 million; and together with 16 other States, they lose a total of $3 billion over the next decade. This is money that will not be there to assist struggling families and to promote work. Termination of these grants is really a breach of the agreement of 15 years ago as a part of welfare reform.

But as we pass this bill, a few points need to be noted that are positive in nature.

First is the one my colleague refers to as bipartisan legislation that I have worked on with Chairman GEOFF DAVIS. It is designed to assure that Health and Human Services does have common data points so that we ferret out any waste and abuse among various programs and, at the same time, help eligible Americans to receive the assistance to which they are entitled. This has already been incorporated into the child welfare legislation that was also approved by our subcommittee on a bipartisan basis and has been signed into law.

A second provision that is described as ''program integrity'' certainly does sound good in speeches, and it probably does address a problem in Las Vegas and a few other areas that for speech purposes has been described as the so-called ''strip club loophole.'' I'm in favor of closing every loophole that takes public money that needs to go to needy children and diverts it for some other purpose, whether it's at a strip club or it is a pharmaceutical manufacturer who has milked Medicaid and Medicare for millions of dollars.

Earlier this week, we heard from TANF administrators across the country, Republicans and Democrats, questioning this provision, and we know that it is also the subject of a study by the Government Accountability Office. I think that we need to ensure no dollars are wasted here, and I certainly wouldn't let this newly added provision slow up a must-pass piece of legislation to assure that the Temporary Assistance for Needy Families program is continued to next September.

With that, I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, a distinguished member of the Ways and Means Committee, Mr. BOUSTANY.

Mr. BOUSTANY. I want to thank the gentleman from Minnesota for yielding time to me.

Mr. Speaker, I rise in support of the Welfare Integrity and Data Improvement Act, and I want to thank Chairman DAVIS for his work on this as well as Ranking Member DOGGETT. But I also want to express my deep appreciation for the inclusion of my bill, the Welfare Integrity Now—WIN—for Children and Families Act, H.R. 3567, in this important legislation.

Mr. Speaker, as chairman of the Ways and Means Subcommittee on Oversight, I am determined to continue to fight waste, fraud, and abuse on behalf of the taxpayer. This legislation ensures that taxpayer dollars in this program are being used in the manner that they are intended to be used, and that is to help those that need it most.

The abuse of funds on EBT cards has to stop. Prohibiting welfare funds on EBT cards from being accessible in strip clubs, liquor stores, and casinos, my bill, H.R. 3567, seeks to prevent the fraudulent misuse of funds within the TANF system.

Families across America will continue to receive the necessary assistance that they need during these very tough economic times.

The Win for Children and Families Act also holds States accountable for not complying with this provision. So I'm pleased that the provision has been included in this bill, and I urge my colleagues to vote ''yes'' on this bill.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the distinguished member of this subcommittee and the full committee, the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I rise in support of this bill. We surely need to ensure that the TANF program does not expire, which is the basic purpose of this extension, but we would be remiss if we didn't say that the status quo falls short of what is needed in these difficult times.

Nearly one out of every two Americans is scraping by in poverty or with very low income. We're talking about people below $44,000. That's the people who are just barely making it with a family of four in this country. That's what the Census Bureau found when they used the new supplemental poverty measure based on legislation I proposed in the Congress. That means about 150 million Americans are struggling to get by.

□ 1330

Just 2 days ago on this floor, the response to this epidemic of suffering from the Republicans was to just suggest that we ought to cut off unemployment benefits to millions of Americans. Now, imagine yourself in the middle class—and there are a lot of people who think they're in the middle class. Think about what that means when somebody says, We're going to make it harder for you to get unemployment benefits when you need them.

It is morally wrong and is terrible economic policy. We need to follow a much different path, one that focuses on reforming programs so that they better respond to Americans in need.

I was here when we did the reform of 1996. In 1996, this country was going like a bat. We were really making money, and anybody could find a job if he was willing to go in and ask, which is not the situation today. This welfare program is not meeting the needs of what's going on out there.

Now, if you've watched television recently, you could have seen on ''60 Minutes'' families who are living in cars. Now, how do you get to a car? Well, first you lose your job. Then you get on unemployment insurance. You lose your health care, too, by the way when you lose your job. Then your unemployment insurance runs out. You've got 99 weeks of that, and it's gone. Where are you now? Well, um, you've still got the house. You've been paying for that on the unemployment, but now your house is in foreclosure. The next thing you know, you're living in the car.

We've got thousands of people in this country who are in that circumstance. They are increasingly taking all of the money out of their IRAs and all the money out of their pension plans. Every single dime they've got is gone. They're losing their homes, and all they have, if they're usual families, are food stamps. That's what we offer them. In the richest country in the world, one in two people is in poverty or near it, and we're offering them food stamps, and are saying, Go find a job, when there are four people looking for every job out there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. I yield the gentleman an additional minute.

Mr. MCDERMOTT. Only one out of every five poor children in America receives any direct assistance from this program we're talking about today, and those few who do get helped receive very little. As more and more people lose their unemployment benefits, this hole in the TANF safety net is going to get bigger and bigger and bigger. We ought to start repairing that hole rather than ignoring it as it grows.

We are crushing the middle class in this country with our social policy at this point. The data show that our social safety net works but that the real problem is that we don't fund it and that we haven't kept it up to date with what the modern economy is doing. People used to go unemployed, and then in a while the job came back. The jobs are not coming back anymore. Technology is changing it all.

I support extending TANF, but today's bill is a Band-Aid of underfunding an outdated policy that hasn't kept up with the problems that struggling Americans are facing every day. We must do better by the middle class in this country—or Occupy Wall Street is going to be everywhere.

Mr. PAULSEN. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. I may have one additional speaker if the gentlelady makes it in time, but let me close on this note:

Mr. Speaker, at this time of year, we have largely a Norman Rockwell picture of American families gathered around the Christmas tables, with their turkeys and their gifts, and their Christmas trees are lit. That is the story of millions of American families, but it's not the story of many as well.

I've seen those families firsthand. I see them two doors down from my house in East Austin when they line up on a Saturday morning, in need of help, at the Olivet Baptist Helping Hand. I saw it last Saturday at the recreation center in southeast Austin, in Dove Springs, where parents were lined up for blocks to get their children one toy for Christmas. I've also seen it across the south and west sides of San Antonio—good families, hardworking people caught up in the worst recession since the Great Depression. They face great challenges, and our safety net in this country remains in tatters.

My concern is that this bill today does so little to address that tattered safety net, which is increasingly more hole than net. We see the statistics of homelessness for these families: 38 percent growth over 3 years of the recession. We see it in threadbare cupboards and church pantries and in food centers across the country. Yesterday we saw in a report in The New York Times that in 37 States families are worse off in terms of child care.

At this time, Mr. Speaker, I yield 2 minutes to my colleague from Wisconsin (Ms. MOORE), to discuss the challenges that are faced by some of our most vulnerable neighbors. I know she shares many of these concerns about the unmet needs of those families who won't be fortunate enough to look like a Norman Rockwell painting this Christmas.

Ms. MOORE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 3659.

This bill was taken out of the 360-page tax extenders bill, and essentially the authors of this bill have brought it up so that they could just have another kick at poor people. The bill sort of suggests that people who are poor are of very low moral character and that they can't be trusted to use their EBT cards in liquor stores or casinos, so therefore we need to make some restrictions on how they can use EBT cards.

But before we start kicking poor people yet another time, I just want to remind everyone of data that were just released today which indicate that one half of all Americans are poor and that these people may find themselves eligible for benefits under this Electronic Benefit Transfer card.

Earlier this week, Congressman JOHN LEWIS and I tried to strike this language from the bill—with no success.

The provision that blocks EBT cards from being used in liquor stores, casinos and strip clubs doesn't consider a couple of things. It doesn't consider the tremendous cost that this will have on financial institutions, which will have to reconfigure their cards. It also

doesn't consider the distance for many Americans. There are 23 million Americans who live in so-called ''food deserts'' where there is not access to a grocery store or to an EBT machine within walking distance.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DOGGETT. I yield the gentlelady an additional 30 seconds.

Ms. MOORE. Before I close, I would just like to mention one personal experience that I had just this last week.

After having suffered an aneurysm, one of my sisters was on her way back to the hospital this morning. Because I didn't have access to a vehicle, I went and purchased the last meal that I gave her before I journeyed back to Washington, D.C. I bought her 100 percent orange juice from a liquor store that was within walking distance of my home.

So it may be an unintended consequence, but this is just a mean-spirited effort to, one more time, kick the poor people who are now half of all Americans.

Mr. Speaker, here we are once again. Like a broken record the Republican leadership continues to play the same sad song. One that claims to help the poor and middle class but in the end will only exacerbate our already weak economy.

As always, the devil is in the details. This so called Welfare Integrity and Data Improvement Act will only help to make an already broken program worse while also restricting access for our most vulnerable families.

But be careful.

New Census data released today reveals that 1 in 2 Americans have fallen into poverty. One half of all Americans are now either poor or low-income!!!

The rate at which women and children are being thrown under the bus is a strong indication that TANF has systematically failed to close the expanding poverty gap, build pathways to sustainable employment, and has done little to alleviate the problem of growing chronic poverty.

Now, as we go into TANF's third extension, Republicans want to impose additional barriers on families to further hinder their ability to access much needed benefits in these tough economic times.

This bill includes a harmful provision that blocks EBT cards from being used at liquor stores, casinos and strip clubs.

Mr. Speaker, this is an issue of access. In many neighborhoods, the closest ATM is located in a nearby liquor store.

We don't want to encourage people to go to liquor stores or casinos but what are low-income families supposed to do when they can't even access benefits to feed their families in their own neighborhoods?

There has been no consideration of the cost associated with implementing this policy, or to the kinds of burdens that it will undoubtedly place on states and financial institutions who will have to reconfigure thousands of ATMs.

Earlier this week, Congressman JOHN LEWIS and I attempted to strike this language from the tax extenders bill, but Republicans refused to consider any amendments both on the floor and in the Rules Committee.

Here we are. Up against many deadlines and someone took the time to pull this language out of a 370 page bill so that they could kick people who are down with further restrictions.

I hope that the American people can see that Republicans are simply playing political theater, trying to further humiliate and marginalize poor people while stonewalling any and all efforts for Democrats to pass meaningful legislation that will truly provide opportunities for all people.

[From the Economic Research Service, June 2009]

ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD

Measuring and Understanding Food Deserts and Their Consequences

REPORT TO CONGRESS

Increases in obesity and diet-related diseases are major public health problems. These problems may be worse in some U.S. communities because access to affordable and nutritious foods is difficult. Previous studies suggest that some areas and households have easier access to fast food restaurants and convenience stores but limited access to supermarkets. Limited access to nutritious food and relatively easier access to less nutritious food may be linked to poor diets and, ultimately, to obesity and diet-related diseases. Congress, in the Food, Conservation, and Energy Act of 2008, directed the U.S. Department of Agriculture (USDA) to conduct a 1-year study to assess the extent of the problem of limited access, identify characteristics and causes, consider the effects of limited access on local populations, and outline recommendations to address the problem.

This report presents the findings of the study, which include results from two conferences of national and international authorities on food deserts and a set of commissioned research studies done in cooperation with the National Poverty Center at the University of Michigan. It also includes reviews of existing literature, a national-level assessment of access to supermarkets and large grocery stores, analysis of the economic and public health effects of limited access, and a discussion of existing policy interventions. A variety of analytical methods and data are used to assess the extent of limited access to affordable and nutritious food and characteristics of areas with limited access.

FINDINGS

Access to a supermarket or large grocery store is a problem for a small percentage of households. Results indicate that some consumers are constrained in their ability to access affordable nutritious food because they live far from a supermarket or large grocery store and do not have easy access to transportation. Three pieces of evidence corroborate this conclusion:

Of all U.S. households, 2.3 million, or 2.2 percent, live more than a mile from a supermarket and do not have access to a vehicle. An additional 3.4 million households, or 3.2 percent of all households, live between one-half to 1 mile and do not have access to a vehicle.

Area-based measures of access show that 23.5 million people live in low-income areas (areas where more than 40 percent of the population has income at or below 200 percent of Federal poverty thresholds) that are more than 1 mile from a supermarket or large grocery store. However, not all of these 23.5 million people have low income. If estimates are restricted to consider only low-income people in low-income areas, then 11.5 million people, or 4.1 percent of the total U.S. population, live in low-income areas more than 1 mile from a supermarket.

Data on time use and travel mode show that people living in low-income areas with limited access spend significantly more time (19.5 minutes) traveling to a grocery store than the national average (15 minutes). However, 93 percent of those who live in low-income areas with limited access traveled to the grocery store in a vehicle they or another household member drove.

These distance and time-based measures are national estimates that do not consider differences between rural and urban areas in terms of distance, travel patterns, and retail market coverage.

Urban core areas with limited food access are characterized by higher levels of racial segregation and greater income inequality. In small-town and rural areas with limited food access, the lack of transportation infrastructure is the most defining characteristic.

These area- or distance-based results are in line with a nationally representative survey of U.S. households conducted in 2001. Responses to direct questions about food access show that nearly 6 percent of all U.S. households did not always have the food they wanted or needed because of access-related problems. More than half of these households also lacked enough money for food. It is unclear whether food access or income constraints were relatively greater barriers for these households.

Supermarkets and large grocery stores have lower prices than smaller stores. A key concern for people who live in areas with limited access is that they rely on small grocery or convenience stores that may not carry all the foods needed for a healthy diet and that may offer these foods and other food at higher prices. This report examines whether prices of similar foods vary across retail outlet types and whether the prices actually paid by consumers vary across income levels. These analyses use proprietary household-level data that contain information on food items purchased by approximately 40,000 demographically representative households across the United States. Results from these analyses show that when consumers shop at convenience stores, prices paid for similar goods are, on average, higher than at supermarkets.

Low-income households shop where food prices are lower, when they can. Findings also show that food purchases at convenience stores make up a small portion of total food expenditures (2 to 3 percent) for low-income consumers. Low- and middle-income households are more likely to purchase food at supercenters, where prices are lower. Administrative data on SNAP benefit redemptions from 2008 show that 86 percent of SNAP benefits were redeemed at supermarkets or large grocery stores. Research that considers the prices paid for the same food across household income levels indicates that while some of the very poorest households—those earning less than $8,000 per year—may pay between 0.5 percent and 1.3 percent more for their groceries than households earning slightly more, households earning between $8,000 and $30,000 tend to pay the lowest prices for groceries, whereas higher income households pay significantly higher prices.

The study also examined food shopping behavior and the types of food purchased for SNAP participants and other low-income households. Data from the 1996/1997 NFSPS show that SNAP participants were, on average, 1.8 miles from the nearest supermarket. However, the average number of miles both SNAP participants and eligible nonparticipants traveled to the store most often used was 4.9 miles. These same data show that SNAP participants who did not shop at supermarkets purchased less noncanned fruit, noncanned vegetables, and milk than SNAP participants who shopped frequently at a supermarket.

Easy access to all food, rather than lack of access to specific healthy foods, may be a

more important factor in explaining increases in obesity. Many studies find a correlation between limited food access and lower intake of nutritious foods. Data and methods used in these studies, however, are not sufficiently robust to establish a causal link between access and nutritional outcomes. That is, other explanations cannot be eliminated as the cause of lower intake. A few studies have examined food intake before and after healthy food options become available (either within existing stores or because new stores opened). The findings are mixed—some show a small but positive increase in consumption of fruits and vegetables, while others show no effect.

The causal pathways linking limited access to nutritious food to measures of overweight like Body Mass Index (BMI) and obesity are not well understood. Several studies find that proximity of fast food restaurants and supermarkets are correlated with BMI and obesity. But increased consumption of such healthy foods as fruits and vegetables, low-fat milk, or whole grains does not necessarily lead to lower BMI. Consumers may not substitute away from less healthy foods when they increase their consumption of healthy foods. Easy access to all food, rather than lack of access to specific healthy foods, may be a more important factor in explaining increases in BMI and obesity.

Understanding the market conditions that contribute to differences in access to food is critical to the design of policy interventions that may be effective in reducing access limitations. Access to affordable and nutritious food depends on supply (availability) and consumer demand. Consumer behavior, preferences, and other factors related to the demand for some foods may account for differences in the types of foods offered across different areas. Food retailer behavior and supply-side issues such as higher costs to developing stores in underserved areas may also explain variation across areas in which foods are offered and what stores offer them.

If high development costs serve as a barrier to entry for supermarkets in some areas with low access, then subsidy programs or restructured zoning policies may be effective solutions. If consumer demand factors, such as inadequate knowledge of the nutritional benefits of specific foods, contribute to differences in access by reducing demand, then a public health campaign may be a preferred strategy. Several local and State-level efforts are underway that could provide the basis for a better understanding of the types of interventions that may work best.

Food has been used as a tool for community development. Projects such as farmers' markets, community gardens, promotion of culturally specific foods for ethnic minorities and Native Americans, local food production and promotion, youth agricultural and culinary training programs, and many other types of programs have all been implemented in a variety of settings, both urban and rural. USDA's Community Food Projects Competitive Grant program has much experience in funding and nurturing such programs.

The current state of research is insufficient to conclusively determine whether some areas with limited access have inadequate access. Future research should consider improved methods to measure access levels, availability, and prices of foods faced by individuals and areas. More research is needed to understand how access, availability and price affect the shopping and consumption behaviors of consumers.

Data linking information on the types of foods consumers purchase and eat with measures of consumers' levels of access and the prices they face could help explain the economic consequences of food access. Studies that use improved methods and data to determine how food access affects diet, obesity, and other health outcomes are also needed to help explain the health consequences of food access.

METHODS

To conduct the analysis of the extent of food deserts, a comprehensive database was developed that identified the location of supermarkets and large grocery stores within the continental United States. Food access was estimated as the distance to the nearest supermarket or large grocery store. The analysis was refined by examining households without vehicles and specific socio-demographic subpopulations drawn from the 2000 Census. Multivariate statistical analysis was applied to identify the key determinants of areas with low access to supermarkets and large grocery stores.

Research also examined national-level data on questions of household food adequacy and access from the 2001 Current Population Survey. This information was complemented with national-level data on time spent traveling to grocery stores from the 2003–07 American Time Use Survey. To consider the economic consequences of limited access, ERS also analyzed demand for certain nutritious foods for a sample of participants in the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program), using data from the National Food Stamp Program Survey (NFSPS) of 1996/1997. Variation in prices for similar foods purchased at different store types, as indicated by hedonic models and data from the 2006 Nielsen Homescan panel, was also estimated.

ERS collaborated with other agencies and institutions to complete this study. USDA's Food and Nutrition Service (FNS) compiled information on an extensive body of work examining food access for SNAP and other low-income households. USDA's Cooperative State Research, Education, and Extension Service (CSREES) provided information on the Community Foods Projects and lessons learned in the administration of the projects.

The national-level food desert analysis was complemented by a review of existing literature and the commissioning of additional studies by experts in the field. A workshop held in October 2008 convened leading experts in the study of retail food and grocery store access, key stakeholders from community development organizations, grocery retailer organizations, other government agencies, congressional members and staff, and related public interest groups. The workshop included presentations and panel discussions of such topics as defining and describing dimensions of food deserts, implications of low access for food and nutrition assistance programs, consequences of food deserts, and programs and policies to mitigate the adverse effects of food deserts.

USDA, in cooperation with the National Poverty Center at the University of Michigan, commissioned several studies by experts in food access to better understand concepts of low access to affordable and nutritious foods and the degree to which access varies across different types of areas. The intent of these papers was to describe characteristics of the food environment and the demographic, economic, and health conditions that typify areas with low food access and to complement the national-level findings with more detailed and local-level information. Results from studies were presented in a conference.

USDA, in cooperation with the Institute of Medicine of the National Academies, conducted a 2-day workshop in January 2009 on the public health implications of food deserts. Workshop presentations covered methods for assessing and research findings on the impacts of food deserts on such outcomes as diet (including examination of specific foods, such as fruit and vegetable consumption and intake of high-energy, low-nutrient foods), prevalence of obesity and overweight; and diseases associated with poor diets. In addition, presentations covered promising strategies for mitigating the impacts of food deserts that have been suggested, implemented, or are in the planning stages. The workshop provided the basis for the review of the public health literature.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentleman for raising the issue about ensuring that TANF recipients can access their benefits in a variety of locations.

I will say the bill that we are considering here on the floor today requires States to block access to welfare benefits in casinos, liquor stores, and strip clubs, as we talked about earlier. However, we do understand that some grocery stores, convenience stores, and local markets may also sell groceries and alcohol or have gambling machines as well. That's why there is an exception in the bill to provide exactly for the concerns that the gentleman from Texas raised.

With that, I reserve the balance of my time.

□ 1340

Mr. DOGGETT. While I think it would have been better to await the full report from the Government Accountability Office, I support those program integrity provisions.

I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Texas for yielding.

I rise in support of the extension of this legislative activity, and I want to be associated as closely as possible with the comments made by my colleague from Texas, who seems to have his hand on the pulse of where we need to go, what we need to do, and the unfortunate delays that we have experienced. So I thank Mr. DOGGETT for his leadership. I am in favor of extending this legislation.

Mr. DOGGETT. Mr. Speaker, in closing, I would just yield myself such time as I may consume to say that I am pleased that we are moving forward to extend this program, at least until the end of next September. But there remains much work to do.

Many of our neighbors are in great need at the present time. Many are supported by churches, community nonprofits, and the like. It is a valuable service at a time of charity at Christmas when we all care about those who are the least among us.

But just caring in that fashion is not sufficient, given the extent of the problem. We need a stronger safety net with reference to health care, child care, the support that is offered through the Temporary Assistance for Needy Families program, and to help those—yes, pull them up by their

boots; but for those who lack bootstraps, assist them as well. That should be the goal of our vision as we address the needs of the many impoverished people in this country.

Unfortunately, poor people have the least voice in this Congress. Their voice is not heard to the extent that some of those who have vested interests here in limousines and lobbyists are heard. But we need to speak up for them. And this is one of those rare opportunities to be able to do so and to say that this Congress has acted; but it's acted in a modest, limited, incomplete, and inadequate way. We would not hold up that little bit of help, but there is so much more that needs to be done.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, in closing, again, this legislation continues TANF and related programs for an additional 9 months—it was going to run out on December 31—while making both needed and also bipartisan reforms and changes that are going to improve program integrity.

I appreciate the comments of all of the Members here on the floor today who have joined us in support of the bill. I look forward to working with them to continually improve how TANF helps low-income adults work and also become self-sufficient in the months ahead.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PAULSEN) that the House suspend the rules and pass the bill, H.R. 3659, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: approving the Journal, by the yeas and nays; H.R. 886, de novo; H.R. 2719, de novo; H.R. 443, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 330, nays 83, answered ''present'' 2, not voting 18, as follows:

[Roll No. 933]

YEAS—330

Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Guinta
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NAYS—83

Adams
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Brady (PA)
Burgess
Capuano
Cardoza
Castor (FL)
Chandler
Chu
Clyburn
Coffman (CO)
Conaway
Conyers
Costa
DeFazio
Dent
Dold
Donnelly (IN)
Duffy
Farenthold
Fitzpatrick
Forbes
Foxx
Gardner
Garrett
Gerlach
Gibson
Graves (MO)
Griffin (AR)
Grijalva
Grimm
Hanna
Heck
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Johnson (OH)
Kucinich
Lance
Latham
Lee (CA)
LoBiondo
Lynch
Markey
Matheson
McCotter
McDermott
Meehan
Miller (FL)
Moore
Mulvaney
Olver
Pearce
Peters
Peterson
Poe (TX)
Quayle
Rahall
Reed
Renacci
Ribble
Roe (TN)
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schilling
Stivers
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tipton
Towns
Velázquez
Visclosky
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—2

Amash
Owens

NOT VOTING—18

Ackerman
Andrews
Bachmann
Coble
Davis (KY)
Diaz-Balart
Filner
Giffords
Gohmert
Granger
Guthrie
Gutierrez
Johnson, E. B.
McGovern
Myrick
Paul
Payne
Pence

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1408

Ms. BASS of California changed her vote from ''yea'' to ''nay.''

Mr. RANGEL and Ms. KAPTUR changed their vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 933, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION BILL FOR FY 2012

(Mr. ROGERS of Michigan asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Michigan. Mr. Speaker, I wish to announce to all Members of the House that the Senate

has passed H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012, with amendments, including amendments to the classified Schedule of Authorizations and classified Annex.

It is my understanding the House will consider the Senate amendment to the bill tomorrow by suspension of the rules. The Committee on Rules has posted the legislative text of the Senate amendment online for review by all Members.

Mr. Speaker, in addition, the amended classified Schedule of Authorizations and classified Annex accompanying the bill are available for review by all Members at the offices of the Permanent Select Committee on Intelligence in room HVC–304 of the Capitol Visitors Center at any time.

The committee office will be open during regular business hours for the convenience of any Member who wishes to review the classified material prior to its consideration in the House. I recommend that Members wishing to review the classified Annex contact the committee's director of security to arrange a time for that viewing. This will assure the availability of committee staff to assist Members who desire any assistance during their review of these classified materials.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath and met the requirements provided for in the rule.

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WOMACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 1, answered ''present'' 1, not voting 19, as follows:

[Roll No. 934]

AYES—412

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—1

Amash

ANSWERED ''PRESENT''—1

Mulvaney

NOT VOTING—19

Ackerman
Andrews
Bachmann
Coble
Davis (KY)
Diaz-Balart
Dicks
Dold
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
King (IA)
McGovern
Myrick
Paul
Payne
Pence

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1419

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 934, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. DOLD. Mr. Speaker, on rollcall No. 934, I was unavoidably detained. Had I been present, I would have voted "aye."

RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, not voting 17, as follows:

[Roll No. 935]

AYES—416

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—17

Ackerman
Andrews
Bachmann
Coble
Crowley
Davis (KY)
Diaz-Balart
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
McGovern
Myrick
Paul
Payne
Pence

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1427

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 935, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

MANIILAQ ASSOCIATION PROPERTY CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 4, not voting 22, as follows:

[Roll No. 936]

AYES—407

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris

Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—4

Amash
Huelskamp
Mulvaney
Woodall

NOT VOTING—22

Ackerman
Andrews
Bachmann
Coble
Davis (KY)
Diaz-Balart
Filner
Franks (AZ)
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Landry
Larson (CT)
McGovern
Miller (NC)
Myrick
Paul
Payne
Pence
Posey
Serrano

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1434

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 936, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

CHILDREN'S ASSESSMENT CENTER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, while walking home from school, an innocent 7-year-old girl was abducted and assaulted. Thankfully, the girl was found; but because of the trauma she experienced, she was not able to tell the police what happened to her.

With the help of the Children's Assessment Center, the expertise they had at the center and their child-centered approach, she was able to disclose her experience, and the perpetrator was caught, arrested, and sent to jail.

The Children's Assessment Center in my hometown of Houston, Texas, has served over 50,000 children since 2000 under the leadership of the executive director, Elaine Stolte.

Children's Advocacy Centers, like the one in Houston, provide a place for the evaluation and treatment of abused children in a safe and friendly environment housing experts in various fields so the young victims are not retraumatized by the system.

As a former prosecutor and judge, I have seen firsthand the damage caused by sexual assault on children. I commend the Children's Assessment Center in Houston and the Children's Advocacy Centers throughout the country for their work in healing children and their families.

And that's just the way it is.

THREAT OF A NUCLEAR-ARMED IRAN

(Mr. ISRAEL asked and was given permission to address the House for 1 minute.)

Mr. ISRAEL. Mr. Speaker, I rise today to address the most critical global challenge that we face, and that is the threat of a nuclear-armed Iran. A nuclear-armed Iran is not only an existential threat to our closest ally, the State of Israel; but it also poses grave danger to our own Nation and allies around the globe.

The U.S. must use all available options to show the world that we have a clear, concise, and muscular policy to prevent Iran from obtaining nuclear weapons. Let me be clear here. Containment is not an option. Prevention is the best option.

This week, Congress passed additional sanctions measures. It is imperative that the administration use all of the tools at our disposal to keep pressure on the Iranian regime. We need to make it clear to the Iranians and others around the globe that when we say it is unacceptable for Iran to develop a nuclear weapon, we mean it. We must make clear that when we say that all options are on the table, we mean it. We should not be sending signals that suggest otherwise.

Our commitment to prevention is critical. There should be no misunderstanding, no ambiguity about the United States' resolve to prevent Iran from obtaining a nuclear weapon.

IN MEMORY OF KATHERINE ANDERSON

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise today to honor the memory of a remarkable St. Louis businesswoman and friend, Katherine Anderson. Katherine was the CEO of Andy's Seasonings, a small St. Louis family business that grew to be a nationwide success.

Katherine and her husband started the business in 1981 in the heart of St. Louis; and after her husband's death in 1996, she left her job in the city government to focus her full-time efforts on growing the company.

She embodied all of the characteristics of a successful business owner. Her dedication, perseverance, and hard work paid off. Andy's Seasonings employs over 40 St. Louisians, and its 11 products are seen in restaurants around the country.

It's small businesses like these that allow a region to compete and flourish. It's special people like Katherine Anderson that have truly made a mark on St. Louis and beyond. She will be greatly missed; but through her sons Lawrence, Michael, and Roy, the rest of her family, her inspiration and influence and legacy will live on.

□ 1440

WELCOME HOME, TROOPS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. As of today, the war in Iraq is over.

This is a monumental day on which we must celebrate the service and sacrifice of the 1.5 million young men and women in uniform who served there and of the nearly 4,500 Americans who died there along with tens of thousands of Iraqis. We welcome our heroes home, and we pledge to honor their service with the care and benefits they deserve. For them I wear this yellow ribbon.

I also congratulate and thank the thousands of activists who worked tirelessly for nearly a decade to bring our troops home.

I thank the Illinois State senator, who, on October 2, 2002, stood before a crowd in Chicago and said, ''I don't oppose all wars . . . I oppose a rash war,'' a war, he said, which ''distracts us from a rise in the uninsured, a rise in the poverty rate, a drop in the median income.'' That State senator was Barack Obama 9 years ago. Later, as a candidate for President, he promised to end the war in Iraq—a promise fulfilled today.

Welcome home, troops. And thank you, Mr. President.

NORTH CAROLINA MEDICAID BOONDOGGLE SHOWS NEED FOR MORE ACCOUNTABILITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, this week I learned of a recent audit of North Carolina's Medicaid billing system. Normally, I don't bring up State issues like this before the House, but it turns out that this isn't just a State issue.

North Carolina is currently upgrading its Medicaid billing system and agreed to pay a contractor $265 million to make the upgrades. But surprise, surprise, the upgrade will end up costing $495 million—nearly twice as much.

Who cares? That's a problem for North Carolina taxpayers; right? Not so fast.

It turns out that the Federal Government is expected to pick up 90 percent of the tab for this new system. That means all taxpayers, including North Carolina taxpayers, will be shelling out an extra $200 million to cover for the North Carolina Department of Health and Human Services' incompetence and inability to keep a lid on costs. Making matters worse, this department went so far as to give itself an ''A'' grade for managing the upgrade program.

Mr. Speaker, I doubt taxpayers will give the folks at the North Carolina Department of Health and Human Services an ''A'' for flushing $200 million of their money down the toilet.

This is a classic example of how government bureaucracies view Federal taxpayer dollars—as manna from heaven. This money is not manna from heaven. It is taken directly out of the pockets of hardworking taxpayers from across the Nation. When taxpayers hear stories like this, they wonder why they even pay taxes in the first place. It's no wonder they give Big Government a failing grade.

IN CELEBRATION OF BILL OF RIGHTS DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. I rise today to recognize and celebrate Bill of Rights Day, which is today, December 15, 2011.

The Bill of Rights was created to ensure a level of limited government. A ''parchment barrier'' was the way many of our Founding Fathers described documents such as the Constitution and its first 10 amendments—the Bill of Rights.

Our Founders viewed them as an essential guarantee on our freedoms. These documents would serve as a barrier to an oppressive government, preventing such forces from overpowering its citizenry. Our Founders also knew that such documents weren't worth the parchment they were written on unless a diligent citizenry knew of their distinct worth. For the protections offered under the Bill of Rights to endure, they knew that all citizens must understand their content and importance.

That's why today we celebrate Bill of Rights Day—for each of us to better understand our Bill of Rights and to know that, without them, liberty cannot prosper.

ENERGY SECURITY, AMERICAN JOBS, AND THE KEYSTONE XL PIPELINE

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. TERRY. Thank you, Mr. Speaker.

Today, we are going to discuss energy security, American jobs, and the Keystone XL pipeline.

At this time I yield such time as he may consume to the chairman emeritus of the Energy and Commerce Committee, Mr. JOE BARTON of Texas.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished gentleman from Nebraska.

Mr. Speaker, we are here today to discuss a project that is of utmost importance to the American people. As the gentleman from Nebraska just mentioned, it's called the Keystone XL pipeline. It is a proposal to extend an existing pipeline that starts in Canada, comes down through the Midwestern parts of the United States, into Oklahoma. The proposal is to extend that pipeline to the gulf coast of Texas and Louisiana.

Why is this important to every American?

Quite simply because we use lots of energy in America and because we do not produce as much as we use, so we have to import some of the energy. A lot of the energy we use comes from oil; and the Keystone XL pipeline, if built, would bring crude oil that starts up in Canada, down through the Midwest, to the gulf coast where we have about 50 percent of the United States' refining capacity.

This is a good deal because, number one, Canada is an ally. We are importing quite a bit of oil right now from Venezuela, which has a government dictator, Mr. Chavez, who is somewhat hostile to the United States. We are importing oil from the Middle East. While we have allies in the Middle East, that is an unstable region in terms of its political stability. So, if we could get more energy from North America, from Canada, that would be a good thing for us.

In the construction phase, this pipeline will create—the gentleman from Nebraska would know the exact number—somewhere between 20,000 and 30,000 jobs, I believe. Once in production, with all of the spinoffs, we think up to 100,000 jobs would be created here in the United States. It would make us more secure.

When you just look at the facts of it, you have to ponder why anybody would be opposed to it.

I am puzzled as to why some of my friends on the Democratic side of the aisle are opposed to it. The State Department, under the leadership of Hillary Clinton, endorsed the pipeline. They did an impact statement that said it was positive. At one point in time, it looked like it was going to get approval and move through. The environmental groups came to Washington last fall. They surrounded the White House, and protested against President Obama. Unfortunately, in my opinion, the President decided to delay a decision until after the election, which is why we're here today.

In what we call the ''jobs bill'' that passed the House 2 days ago, there is a provision in it that requires a decision to be made on Keystone within 60 days, I believe, of the enactment of the bill if the President signs it. The President has said he would veto that bill, which shows that, while he said back in the fall that he wanted to delay a decision, apparently he opposes it. So he opposes jobs. He also opposes energy security for the United States, which is an odd platform, in my opinion, to run on in a Presidential election campaign—but it's a free country, and if the President wants to go down that trail, he has the right to do that.

So I believe that Keystone is a good idea. In my congressional district down in Texas, there are numerous pipelines. There are oil pipelines, natural gas pipelines, gasoline refined product pipelines, water pipelines. We have never had any major problems with any of those pipelines from an environmental standpoint. The Keystone pipeline would be built using the absolute latest in technology and with the latest in safety, in inspections, in maintenance. I just cannot imagine why we would oppose it.

So I am in strong support of it, and I want to thank Mr. TERRY for his leadership on this issue. He has introduced bills. He has worked tirelessly in committee. He has worked tirelessly on the floor here. As I said, I hope that we get

this done, but I am in very strong support. I want to thank him for his leadership, and I also want to thank Congressman CARTER for his leadership. He's here today, and he has worked very diligently on the Keystone pipeline, too.

□ 1450

Mr. TERRY. Thank you, Mr. BARTON.

At this time I would like to yield such time as he may consume to the other gentleman from Texas, Judge CARTER.

Mr. CARTER. I thank the gentleman from Nebraska for yielding and for all of your hard work on this issue.

This is an issue that is important to the United States of America. It's just that simple—that you don't have this kind of an opportunity in the economic environment that we have in this country very often. We have a country that has seen the worst unemployment, rampant unemployment and has had the most number of quarters with bad unemployment figures since the Great Depression. And here we have our Canadian neighbors to the north with this Keystone XL pipeline that is proposed to stretch 1,700 miles, cost $7 billion to construct over a 2-year period, and create 100,000 or more jobs for America. And this is paid for. This is other people's money. We're not asking the Federal Government to spend more stimulus money on this energy project, as it did on the famous Solyndra project in California. We're asking it just to approve this pipeline.

Now the reason I'm here to talk is because starting at age 16 until I graduated from law school, every summer of my life, I worked on pipelines. I was not the engineer. I was the guy with the shovel. I dug the ditches, and I cut the grass and operated the survey crew, and I gauged the gauges. And I did all of the various things that need to get done. I have done them in the State of Texas, in the State of Louisiana, and I was actually on a pipeline that stretched from northern Holland to Belgium in Europe. I worked there one summer. So I personally know the pipeline business from the bottom end. These are great jobs. Even the guy that wields the shovel has a great job, a great-paying job. That's why I did these jobs, to help pay my way through school. I found them to be very professional organizations, and I worked for five different companies. So I am known as, as they say, an old pipeliner.

This project is a no-brainer. We created an Energy Department in this country during the Carter administration, I believe—and I could be corrected on that. Its purpose was to wean us off of Middle Eastern oil. Now our neighbors, our first cousins up in Canada, have found oil up there. They want to have us do the refining process for them. They have laid their part of the pipeline and the infrastructure in the north. And they're major participants in this pipeline coming south, to bring this crude down to the southern major refinery area in this country so that it can be refined into products that we use every day, products that we depend on every day.

An estimated 100,000 jobs will be created by this pipeline. And you know, I'm not even sure they know how to estimate pipeline jobs because there is so much more that the American public wouldn't understand about the construction of a pipeline. There are going to be roads built. There are going to be fences built. Things that you never would even relate to the pipeline business are required to get the labor and the materials to the various locations on the construction of this pipeline. So every State this passes through in this country is going to be a State where they are going to benefit from good-paying jobs.

These people that argue these are temporary jobs—this is a 2-year project, and these are the kinds of jobs that American folks, they pray for. These are the ones that the unemployed people of this country are on their knees every night asking to come to their town so they can have a good-paying job, a job that will support their family. And out of these construction projects can come other things that are related to the maintenance of the pipeline.

This is a plus-plus-plus opportunity for American workers. Here we are at a time when the number one issue in the United States is putting Americans back to work. We have all this peripheral stuff. But it all comes back to that we don't get our country back on track until we put Americans back to work. And quite honestly, the attempts we've made in the past have not been very successful. This is a guaranteed successful job-creating project. We have track records to prove it. You can look back on the history of pipelines, and these construction programs have always been part of prosperity wherever they go.

Now this is not a labor versus management issue. Five major labor unions have endorsed this project and have signed project labor agreements with the TransCanada Corporation. Over 20,000 construction jobs will directly be created to install the line. On top of that labor required to put this in the ground, tens of thousands of more jobs will be created as refineries expand both in Texas and in Louisiana to refine this. And out of the whole project, the estimate is clear that it is going to be 100,000 jobs or more.

Now where's the downside? Environmental issues are being raised. And in talks about going through the great State of Nebraska—Mr. TERRY's State—some people are opposing it for environmental reasons. But if you pulled out a map of the pipelines going east and west in this country, I haven't counted them, but I would say almost half of them pass through the State of Nebraska. They've been there for years, and they have never been an environmental problem to the State of Nebraska.

If you look at the pipeline map of the State of Texas and Louisiana, it looks like a spider web of pipelines. You never hear of major pipeline disasters in our States. Pipelines are the safest and most economical way of transporting petroleum and other products.

With unemployment just recently dropping below 9 percent for the first time in a long time—not much below, and we will probably go back above 9 percent as soon as the temporary holiday employment is over—when we are sitting here with above 9 percent unemployment, why in the world wouldn't we want to join with our neighbors, our friends and those people who have been our friends forever, the Canadians, take the resource that they are properly capturing in their part of the world and are willing to share with us down here, to refine the products and build this pipeline and build prosperity right down the middle of the country. Where's the downside?

Mr. Speaker, I join my friend LEE TERRY of Nebraska in supporting the Keystone XL pipeline. It is a plus for America, and more importantly, it's a plus for the working men and women of this country. And it's another step towards energy independence in North America.

With that, I thank my friend LEE TERRY for allowing me to participate in this discussion.

Mr. TERRY. I thank the gentleman from Texas. I do appreciate your insight and your support.

Let me take this opportunity—we've had two speakers already that have talked in support of the Keystone pipeline. Now let me give kind of a tutorial of what we're talking about. It is a 1,700-mile pipeline from the oil sands of Alberta coming down through Montana, South Dakota, Nebraska, Kansas, and as our two previous speakers said, then down into southeast Texas and Louisiana, where most of the refineries are. It will break off at different points in Kansas and then also to the east, to other refineries. But there are very few refineries in the Midwest. So most of the refineries will then refine this into a variety of fuels—mostly for our automobiles, and then diesel and aviation fuel as well. It will produce 700,000 barrels per day once it's built.

What does that mean to us by way of energy security? Well, first of all, we import on a daily basis almost 900,000 barrels of oil per day from Venezuela. So this one pipeline, starting in Canada, ending in Texas, would nearly offset 100 percent of what we import to this country from Venezuela. Our reliance on OPEC oil—our major OPEC exporter to us is Saudi Arabia, where they export around 1.2 million barrels per day. Now when this is fully built and the oil sands are really humming, they think they can get up to 1.1 million per day through this pipeline.

□ 1500

That then would nearly offset what we have to buy from Saudi Arabia. We

use about 19 million barrels per day in the United States. We produce domestically within the United States about 8½, flirting with 9 now with the Bakken finds in North Dakota. So if we can import from just miles over the Canadian border, we go a long way to making us more secure.

Now, on a different hour we can maybe talk about other resources we can use in transportation fuels so we can be 100 percent secure, not relying on foreign countries, especially like Venezuela.

But when we talk about what is on the minds of most Americans, and that's jobs, yes, the unemployment rate has finally dipped below 9 percent. Of course, you have to put an asterisk because 300,000 of that in the last month were just people who were chronically unemployed and have given up and are no longer counted. So the reality we saw in a recent poll, I think it may have been Gallup, said that the real unemployment rate is somewhere around 11 percent.

They want to see Congress do something to create jobs. They want to see us stop bickering about things, probably like Keystone pipeline that seemed to be for many people a no-brainer, energy security and American jobs.

So let's talk about the jobs. Obviously, in a 1,700-mile pipeline, you will need a lot of labor to build that, especially within the 2-year timeframe that they have now. So all estimates, except for one produced by the environmental extremists that are in opposition done by a Cornell University professor that says it won't create any jobs; and, besides, if it did, they are temporary and dirty—that logic befuddles me because all construction jobs are temporary. So, obviously, he doesn't like construction jobs. That's the only thing I can think of. You know, we don't count construction jobs.

Well, as mentioned by Judge CARTER, there are labor agreements. The people, this 20,000 that is estimated to be the direct jobs, those people who are directly working on the pipeline from Teamsters to Earth-movers to sheet metal workers to pipe fitters to laborers, to the electricians that will build all of the electronics for the pump stations along the way, this will create 20,000 jobs. And those are just direct jobs. As we heard from Judge CARTER that doesn't count the spinoffs that occur in the refinery expansions, the extra jobs that will be needed to handle the extra oil in the refineries, and the suppliers.

In fact, there is a business just south of my district in Auburn, Nebraska, that makes parts for oil refineries. They will have increased orders in people going back to work.

It was interesting, just yesterday there was an article online from a Fox affiliate in Little Rock, Arkansas, who had to lay off 500 people. Why? They make pipe. They make pipelines, and they are the fabricator of metal going into the pipelines. They have an order from TransCanadian pipeline for this project. Because this has been stalled out and they don't need to fill an order because there is no order to fill yet, they have laid off 500 people. They are projecting that unless this gets started, they will have to lay off more people, and it will probably be within the next week that they will lay off a few hundred more people. Think of that, being laid off—laid off your job on the eve of Christmas.

So these folks that say there's no jobs created, tell that to the 500, and maybe the 800 total, that are laid off just at one pipeline-making facility in Arkansas that their jobs are worthless; so we don't care if they are laid off. That's the message that I hear from those that are opposing this pipeline, because it is providing hydrocarbons, and they just want to flip the switch.

Now, let's talk about this pipeline. I want to rebut some of the arguments that I've heard lately about it.

Number one is that we are rushing it. We are rushing this pipeline. Well, number one, this pipeline application was filed 3 years, 3 months ago. The average time it takes to permit a pipeline—transcontinental, coming over our border—has been around 18 months. So we're double the time. More than double the time that it usually takes. Why? Well, because of the environmentalists. The far left of the environmental movement has raised environmental concerns, mostly due to the fact that it is a heavy crude that will come in from Canada, which confuses me because Venezuela is an equally heavy crude, but somehow that's okay. Well, okay with some, but not with me.

So to engineer this pipeline, what the pipeline company has to do is provide with their application an environmental study, and they have decided that since there are environmental concerns that they are going to over-engineer this pipeline; they will, in sensitive areas, like coming through Nebraska where it would have crossed the Sandhills, but our Governor has talked them into moving it off of that sensitive ecosystem in the Sandhills. So when they move it 50 miles to the east in Nebraska, they will double-case it. They said they will put it in cement.

Another item that is over-engineered above and beyond pipeline standards is pump stations. Why are pump stations necessary? Well, you've got to pump it through the pipeline. Even though it goes north to south, you still need pressure in there to move it. The pump stations usually are several hundred, a couple hundred, miles apart. They have agreed to put more pump stations in. Why is that important? Well, it is the way they determine if there's a leak. So by moving the pump stations closer, they can, in a more timely fashion, determine if there's a leak.

Also, they have promised in areas where there is water and sensitivity that they will put employees permanently in that area. That is unique to any pipeline in the United States.

The unwritten standard of the industry is if there is a decrease in pressure, they get there within 4 to 5 hours. This pipeline has not only moved the pump stations closer so they can read it earlier in time if there's a drop in pressure, i.e. a leak, but they will have somebody close enough that they could be there within 1 hour. That's five times better than the national unwritten standard.

□ 1510

So the fact that this will cause environmental harm is just wrong, other than the fact that it's an oil and it's going to be refined and there will be carbon emissions from that. But the point I want to make is the refineries in the United States are state of the art in pollution technologies. Our refineries in the United States, in refining oil to our fuel, emits far less carbon in that process than any other refineries around the world. So I would ask the environmentalists that are opposing this that if they send the oil over to China, why wouldn't you want it refined where it's going to emit the least amount of carbon in the manufacturing process?

Now, because of the long delay, I introduced a bill in the springtime to set a deadline of November 1. The environmental studies had already been done. The supplemental environmental study on top of the first one was already done and was just sitting there. So we set a date. Some of my friends on committee, like Mr. SULLIVAN from Oklahoma, and I picked an arbitrary date—well, not too arbitrary. It gave them enough time to get through it, go out for more public comment, then 60 days after that to make a decision, and that would be November 1. We passed that bill in the House, we sent it to the Senate, and HARRY REID refused to bring it up on the floor.

During that time, the State Department said that's unnecessary because we're on track to have the decision made on this pipeline by December 31—by December 31. And they first told us that March 15. And I'll read from you a U.S. Department of State Diplomacy in Action, March 15, 2011. It says the U.S. Department of State expects to make a decision on whether to grant or deny the permit before the end of 2011. April 15, 2011, they also state publicly and to our committee, the U.S. Department of State expects to make a decision on whether to grant or deny the permit by the end of 2011. So March they say that, April they say that.

And then after this House passes with overwhelming support, bipartisan support, nearly 50 Democrats joining us—the State Department says, and here is their memo to us, and it says, we don't need to have a bill to permit the Keystone XL crude oil pipeline by November 1, 2011. The bill is unnecessary because the State Department has been working diligently to complete the permit decision process for the Keystone

XL Pipeline and has publicly committed to reaching a decision before December 31, 2011. They are diligently working, July 25, diligently working, and will have the decision by December 31.

This is important. Why? Because the President of the United States, just 2 days ago, stood up and said, if I have to sign a bill with Keystone Pipeline in it, you are rushing us and may be forcing the State Department to deny it because they don't have enough time. Bull.

Their own documents from April, March, and July have said they've been working diligently and will have the decision. And by the way, if the Keystone bill is passed—it passed out of the House overwhelmingly 2 days ago. It's sitting over in the Senate with the unemployment insurance bill and a myriad of other bills that have been put together. So, really, from what they've told us already, they are already ready. They can make a decision right now. They've been studying it since April. They're done. They know what the decision is.

Do you know why the President said that? And this is what is probably most disappointing to me: politics. Yeah. Election year politics. The environmentalists have made statements like, this is where the President can get his environmental mojo back if he denies the permit. That's what one environmental group said. The others have just challenged him to kill this pipeline.

The issue is the President does not want to make a decision between his environmental groups that flat told him, this is a quote, a direct quote that has been published in The Wall Street Journal, The Washington Post, and many other newspapers. They told him, we will not mobilize our environmentalists in the 2011 election if you approve this pipeline. Amazingly, it was only days after that threat was made to the President that he decided that he will not make a decision until after the election.

Folks, politics—energy politics—is now causing layoffs in Arkansas right before the holidays. There's people sitting in my union halls in Omaha, Nebraska, ready to go to work, but the President says, I'm not even going to tell you if you're going to go to work on this until 2013.

Mr. President, I respectfully ask that you act on this permit, put aside election year politics, make a decision on the merits of this project, and listen to your agencies. The State Department chose this route as the most environmentally safe route. This will employ 20,000 people; secondary, tertiary jobs in support, perhaps another 100,000. If we started using all of our resources in the United States, we could employ millions. Let's do the right thing for this country.

I want to ask my friend from Tulsa, Oklahoma, the vice chairman of the Energy and Power Subcommittee, if he would brief us on his feelings about Keystone Pipeline.

Mr. SULLIVAN. Thank you, Congressman TERRY, and I just want to thank you so much for all you've done. I've seen you work in the committee to get this through the committee process. You've been tenacious, and I thank you. I thank you for getting this through the House floor, and now, getting it across the finish line, which is really what we need to do. And I thank you, along with the tens of thousands of people that want to thank you, as well, that will have a job.

And that's what we're talking about here. Like you said, my friend, it's creating jobs. And we talk about creating jobs here in America, and politicians really don't do it, but we have a chance to do something. And these aren't government jobs. These aren't census takers or IRS agents. These are private-sector jobs. And so I thank you, Congressman TERRY, for all you've done in creating those jobs.

And another thing, too, that this does is it lessens our dependence on OPEC oil. Now I'm tired, along with many other people, of sending $1 billion or more every single day to foreign countries to subsidize their economies and their nations at the expense of our own. And it's a national security issue, as well.

But this Keystone Pipeline really creates jobs. Keystone is the largest infrastructure project ready for construction in the U.S., and it's privately funded, requiring no spending. The $7 billion pricetag will support jobs in the U.S. and create demand for U.S. products. Keystone Pipeline will create, as my friend said, 20,000 new jobs directly and support hundreds of thousands of jobs in the coming years. More than 1,400 companies across the U.S. sell their products and services for oil sands work.

□ 1520

Keystone XL will lead to more economic activity.

Canada is the United States' number one trading partner. In 2010, two-way trade in goods and services between the U.S. and Canada was more than $640 billion each day; $1.7 billion worth of goods and services traversed the U.S.-Canadian border.

It will boost national security. Canada is the most reliable and secure oil supplier for Americans outside the U.S. The real foreign alternative to oil sands are from volatile nations like Venezuela. Keystone XL will encourage greater oil production in the Bakken areas of North Dakota and Montana. Trade with Canada complements an all-of-the-above domestic energy strategy: more domestic oil, more alternative fuels, and more auto innovation.

Global demand for oil will continue to increase dramatically, meaning that the oil sands will be produced. The question is whether Americans will directly benefit; or if the oil will be exported to Asia, primarily China.

Canada is one of America's top allies in meeting security threats around the world. Oil sands production is a major economic engine for Canada, and the government supports Keystone XL.

America's foreign policy must not be dictated by EPA, which opposes the Keystone XL pipeline. And like Congressman LEE TERRY said, the Obama administration puts electoral politics ahead of national security interests by putting off a decision on Keystone XL until after the elections. That is crazy. The State Department conducted more than 3 years of rigorous analysis and was widely expected to approve Keystone XL by the end of this year, before the White House came under environmentalist pressures.

The Obama administration has put environmentalists ahead of American workers. As one example, Keystone XL is supported by several major unions—United Association of Journeymen and Apprentices of Plumbing and Pipefitting Industry of the U.S. In Canada, International Union of Operating Engineers, Laborers' International Union of North America, International Brotherhood of Teamsters, International Brotherhood of Electrical Workers, Building and Construction Trade Department, AFL–CIO.

Now, this is one of the best Christmas gifts we can give the American people by creating jobs, lessening our dependence on foreign oil, and stop sending $1 billion every single day to foreign countries.

Again, I want to thank Congressman LEE TERRY for all the work he has done on this.

Mr. TERRY. Thank you, Mr. SULLIVAN, and I appreciate your support on this issue.

At this time I'd like to recognize the gentleman from Illinois, one of the new phenoms on our Energy and Commerce Committee, Mr. KINZINGER.

Mr. KINZINGER of Illinois. I thank the gentleman from Nebraska (Mr. TERRY). And listening to the words of the gentleman from Oklahoma, very well spoken.

You know, I often ask what are the top issues, what are the top things Americans are concerned with right now? Obviously, number one is jobs. Number two is jobs and economy. I hear people talk a lot about energy in the 11th District of Illinois. So we have jobs, economy, energy, and I also hear some people talk about their concern with national defense.

You know, amazingly to me, when you look at those issues of concern—jobs, energy, national defense—there's one thing we can do which is going to address all of those concerns and it would address them now, and that is the Keystone pipeline.

I actually sent a letter the other day, Mr. Speaker, to my colleague in Illinois, Senator DICK DURBIN. He is the whip over in the Senate. And I asked him and I asked the Senate to just, you know what, let's just have an up-or-down vote, basically, on this Keystone

pipeline. Let's stop the parliamentary parlor tricks and the smoke and mirrors and just have a vote, ''yes'' or ''no,'' on the Keystone pipeline. You know, the interesting thing is they're not going to do it right now because they're afraid it might pass, because I think it would.

The American people desperately need jobs. So let me ask you specifically, What does this mean for the Midwest? For the Midwest, we're talking about 20,000 construction jobs. We're talking for the country about 800,000 barrels of oil a day from our friends to the north. And that means less oil from places like the Middle East, Venezuela, Angola and Nigeria; and $5.2 billion in new property taxes to State and local governments that are basically bankrupt today. And how much does this cost the taxpayer? Any guess? The answer is zero. This is free. In fact, it saves the taxpayer a lot of money because ultimately fuel is going to be more secure.

Middle class families are now on notice that the President and HARRY REID want to reject a payroll tax extension linked to job-creating, private sector construction projects. We passed a payroll tax cut extension just a couple of days ago in this House. We found a way to pay for it so that we're not robbing the Social Security fund. And we also were talking about the real job-creation opportunity that we have in the Keystone pipeline. And amazingly, the President said no, probably because he wants to assuage his base.

But when you look at it, 18 to 24 months is what it takes, on average, to approve a project like this; that's 1½ years to 2 years. That's a long time. This process is upwards of 39 months now, and the thing we hear from the administration is we need another year to make sure we do this correctly. I mean, are we in an era in this country where it takes 4 or 5 years, 10 years to approve projects? And then we wonder why we're not able to keep on the front lines of innovation and the front lines of energy production and security. This is an example of that.

Ladies and gentlemen, I strongly believe in national security and the national defense of this country. And the best way we can do that is to have energy security here at home. Production of our own energy is great. We have to do that. That has to be the priority. But in the meantime, I'd sure rather have 800,000 barrels a day coming from Canada into here than having to import that much oil from places in the Middle East that don't like us. This makes sense.

So we talked about getting people back to work. This is a shot in the arm right now; it's a shot in the arm today. This has bipartisan support. This isn't a Republican thing; this isn't a Democrat thing. Frankly, this is a bipartisan American jobs act, this Keystone pipeline, but politics has infected this process.

So all I would ask is for Senator DURBIN, in this letter I sent him, or Senator HARRY REID, please just bring the Keystone pipeline up for a vote. Let's extend the payroll tax cut and make sure that we're paying for it and not taking away from Social Security. These are all very good opportunities to get America back to work.

With that, I want to say thank you to the gentleman from Nebraska for the opportunity to talk about this very important jobs-creation opportunity for the American people.

Mr. TERRY. I thank you for your support for this effort for American jobs.

At this time I'd like to recognize another one of our freshman phenoms on the Energy and Commerce Committee, the gentleman from Virginia, MORGAN GRIFFITH.

Mr. GRIFFITH of Virginia. Thank you, And I appreciate that. I'm not sure about phenom, but I'm very appreciative to be on the Energy and Commerce Committee.

We have a lot of issues in my district. For those of you who are watching this who aren't familiar with my district, I represent southwest Virginia. It is a big energy-producing region of the State of Virginia.

And in Virginia, we understand that we should use our own resources to create jobs. So I come here today for jobs to be created in the United States—not in Virginia directly, but in another part of this great Nation, because the issues are often the same. And for some reason, this administration is standing in the way of the creation of jobs in the energy industry.

In Virginia, we have asked repeatedly to be able to drill off our coast in order to find oil and natural gas. We want to use our resources to create jobs. We started asking for this in Virginia back in 2004. At that time we had Democrat Governors, and they blocked our efforts to send this to the Federal Government. Later, having a change of heart, one of the Governors decided, as they were on their way out the door, that they would send the request forward. But to this date the President has not realized that we can create jobs. But our jobs, unlike the jobs in Nebraska and other parts of the United States affected by Keystone, they would be several years down the road.

□ 1530

What we have here is the Nation's best shovel-ready project. In reality, it's ready to go. And while it's not American oil, it's Canadian oil. And one would have to believe that the Canadians don't care about their environment to be opposed to this pipeline.

One would have to believe that the President of the United States would prefer to see the oil from Canada going to China. One would have to believe that the President of the United States would prefer for us to buy oil from other nations, like Venezuela and some of the Arab nations that don't care for us one iota, than to do this pipeline.

One would have to believe that, for some reason, we want to be dependent, and this President wants us to be dependent on other nations who don't care for us, who don't appreciate our democratic, republican form of government, and who don't understand that jobs and the economy are a driving concern, something that we must pay attention to and that we must do it now.

And here we have thousands of jobs, thousands of jobs. We've heard the number 20,000. Those are direct jobs. You can multiply that number out beyond and beyond. And they're being stopped.

And if are you an energy producer and you see something that makes as much sense as the Keystone pipeline being stopped dead in its tracks because the President doesn't want to make a decision until next year, and maybe the next year after that, you have to believe that it's not worth investing here in the United States for energy concerns.

I had a fellow came up to me recently back home. He said, MORGAN, I want to tell you something. He showed me the article he'd found. He said, I've always invested in American energy. That's where I've always put my money. He said, But right now the situation is so uncertain—and this was before we knew the President was going to delay this very reasonable project, the Keystone pipeline. He said, I'm now investing in southern Africa with a consortium that has, I believe it was Australians, South Africans, and Brazilians working on a project in Mozambique. He said, I didn't want to do it, but I don't know what choice I have when you look at what is coming out of the administration, when they don't want us to invest in American energy.

So, ladies and gentlemen, I have to tell you, I came here today—this does not directly affect my district, but it does affect my country, and I care deeply about my country.

Our country needs jobs. We need affordable energy. Keystone pipeline helps us both have jobs and affordable energy. And that is why it's important for every person in the United States to understand that we must have the Keystone pipeline; and the sooner we start, the sooner those jobs occur, and the sooner we get more oil supply that's not from our adversaries in the world, the people who would like to see the United States torn down, but from our friend Canada, who understands that together we can build a more prosperous North America.

Ladies and gentlemen, with that, I would like to thank the gentleman from Nebraska for yielding.

Mr. TERRY. I thank the gentleman from Virginia.

I'd like to just take the last couple of minutes to close here.

What we have is a $7 billion infrastructure project for the United States of America that will immediately employ 20,000 workers. It's a 2-year-plus project. It will add—then, that's not even counting the spin-off jobs to support and to expand the refineries, the

permanent jobs that will be created there.

So I ask the people that are watching here today and the American public to let Congress know, to let the President know that it's important to you that we create jobs in America. This project, when approved, would start the next day moving ground, employing people.

Let's do that. Let's get America back to work. Let's help create American jobs.

I yield back the balance of my time.

Mr. BERG. Mr. Speaker, I thank the gentleman from Nebraska for yielding.

Once again, President Obama has chosen to put politics over the American people by punting on the Keystone Pipeline decision until after his 2012 campaign.

The construction of the pipeline will create thousands of good-paying jobs, spur economic growth, and help break our national dependence on foreign oil. This pipeline has received bipartisan support. It will increase America's access to safe and secure energy supplies and would bring more than 1.2 million barrels of oil into U.S. markets each day. Its construction could create tens of thousands of new jobs, many of which could be seen in North Dakota. In fact, Bakken Field crude oil is expected to account for 25 percent of the pipeline's expanded capacity.

North Dakota is a national example of why we need a common sense, long-term energy plan. Our energy sector has created thousands of good, high-paying jobs. In fact, our state has the lowest unemployment in the nation. But this wasn't an accident. It was the result of common sense policy—a long-term energy plan called EMPOWER North Dakota that encouraged energy development, rather than putting up new regulatory barriers.

But instead of looking to North Dakota for solutions that could help our economy, create good jobs, and help American become energy independent, the Obama administration continues to create new roadblocks to expanding domestic energy production.

I strongly urge President Obama to look ahead for the next generation, not the next election, and expedite the approval of the Keystone expansion.

REINING IN SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, there is so much going on these days. We have the responsibility of reining in spending, if we will just simply live up to it.

We know that our friends at the other end of the hall, the majority in the Senate, want to spend, want to tax more, not interested in making serious cuts.

It's rather amazing that this President could come into office and Speaker PELOSI and Leader REID could bump up the spending by $1 trillion, and when it becomes apparent to the whole world, not just the U.S. but the whole world, that we've got to rein back in that extra trillion they began to spend, not only do they not want to cut that extra trillion that is bankrupting us, but they want to add taxes on Americans so that they can justify even more spending. It shouldn't work that way.

We're running a deficit. We have been for a number of years. And to have Speaker PELOSI take over this Chamber and take a $160 billion deficit, which we shouldn't have run when the Republicans had the House in '06, and then parlay that into 10 times more deficit spending is just unfathomable. But it has happened, and it's got to stop. We owe that to future generations.

At the same time, we also know, and I think Joel Rosenberg, the author, referred to it in his book, ''Inside the Revolution,'' that Osama bin Laden didn't just rejoice in the killing of 3,000 or so Americans on 9/11. He also actually said that one of the great things about 9/11, from Osama bin Laden's standpoint, was that they spent maybe half a million dollars in setting up and carrying out the 9/11 murders, but that also they were costing the United States billions and billions of dollars, and it may run into trillions of dollars.

But we have to defend ourselves. We have to keep with our commitment and our constitutional duty to provide for the common defense. So not only do we have the responsibility of trying to regain some maturity as a Congress in controlling our spending and not doing further damage to the economy by rewarding the, as the President called them, the ''fat cats on Wall Street,'' those people that gave to his campaign by a 4:1 margin, the executives on Wall Street and their families, 4:1 Democrat over Republican, it's time to quit bailing out people who got themselves into those messes. We should never have done it for Wall Street. We should not have done it for the automakers.

If we had had a real payroll tax holiday—holiday, meaning you don't do something. I can't imagine having a school holiday and you only get 2 percent of the day off. I know kids that went to school with me, growing up, would never have considered a 2 percent holiday a real holiday.

The President's payroll tax holiday at 2 percent is going to go forward. We passed that out of the House, unless the Senate, down under HARRY REID, kills the bill and doesn't allow that payroll tax cut to continue.

□ 1540

But it's not a holiday. A real payroll tax holiday would have been to do what I proposed 3 years ago. Art Laffer said it would have been the best stimulus we could have done at the time, and that's the genius behind Ronald Reagan's economic policies in the early eighties. But that would have been to say you earned the money, you're going to keep it for at least a couple months in your own paycheck, and then you decide which car manufacturer you want to bail out by deciding what car you're going to buy with the extra money you've gotten in your paycheck. That would have been a great thing to do.

Instead, we had a Presidential administration decide who they wanted to bail out, how they wanted to bail them out. We had a secret society set up by the President in the White House decide which dealers, how many dealers were going to have to be shut down, and we ended up having the unthinkable occur, a violation of the Constitution, and that is a Federal taking of property, a Federal order to take property without any due process, without any remuneration. People even had borrowed money to buy dealerships. They still owed the banks for the money they borrowed to pay for those dealerships.

Yet we had an administration that said close them. It's amazing. As I understand, most of those that were ordered closed were Republican, which started feeding into the belief that we had crony capitalism going on. If you were friends of the President, you were going to do well. If you weren't, you could lose your business without any remuneration, without any due process.

Now we have an administration that is in office in the executive branch. They've filled the positions in the Justice Department, in the top positions in the intelligence department, the State Department. They're running things from the executive branch. And they know, they've read the 9/11 Commission report, I certainly hope they have. It's interesting if we look back and see what the 9/11 Commission said. It was a very bipartisan report. Some things I didn't terribly agree with. But I knew that the people who wrote the report were doing the very best they could and doing the best to the best of their beliefs. And they had to account for how 9/11 came about, how we had 3,000-plus people killed, the worst attack on American soil on our history, how that came about.

They did the study. They found out all of the people that were involved were crying out, ''Allah akbar.'' They were people who believed that their religion required them or encouraged them to kill innocent people, and that somehow they would be rewarded in paradise for killing innocent people. They have taken their religion, this small percentage of Islamists, and they actually believe that there is a God entity out there that will reward the devastation and killing of innocent people.

So the 9/11 Commission did a very candid report, and when you take a look at the things in that report and compare them to what this administration has done in the last 3 years to whitewash that part of history, to completely distort what really happened on

9/11, to blind, as one of our officers has said, to blind our own law enforcement, intelligence, justice people so they cannot see the enemy who has declared war on us, blind those that we have called upon to risk their lives to protect us, blind them from really seeing the risks and really being able to predict what will happen, it is staggering.

We've got the blind leading the blind.

I don't think it's any better depicted than in just a numerical analysis from the 9/11 Commission. I have a poster here. And of course as this writing says, the terminology is important in defining our goals as well as removing roadblocks in the hearts and minds. The 9/11 Commission identifies Islamist terrorism as the threat. The Muslim Public Affairs Council recommends that the U.S. government find other terminology.

The OIC, the organization of all of the Islamic states, all 57 Islamic states in the world, that organization came up with a term called Islamaphobia, the word Islamaphobe, so that if anybody bothers to do the research and find out that there is a small percentage of Muslims who are radicals and who believe the Koran directs them to destroy Israel, to destroy the United States, then let's label them Islamaphobe, even though they make very clear, like I have repeatedly, that we have Muslim patriots in America, we have Muslim business people who have done great good. The vast majority of Muslims are peace-loving people.

Nonetheless, people like me who would bother to point out this small percentage that want to destroy our way of life and are doing everything they can to get in a position to do that, we're Islamaphobes. That directive is straight from this OIC, this organization of Islamic nations, all 57 States.

That's been the directive. Scare people, intimidate people so that they will not speak the truth. It's unbelievable. Because if the OIC really wanted to help themselves, they could show the world that they were about peace, not about hatred, not about killing innocent people, by encouraging people to recognize it is only a small percentage of Islamists who believe that they need to destroy Israel and to destroy the United States.

But instead, they try to intimidate, try their name-calling. Amazingly, though, they have been very effective with this administration. If this administration had thoughts of clearly speaking truth, then they would not hesitate to call a shovel a shovel, to call things just as they are.

But instead, this administration has blinded those in the State Department, in the intelligence department, in the Justice Department so that they don't really understand the enemy, cannot understand the enemy, until the enemy, those who've declared war on us, can be accurately identified.

So you read in the 9/11 Commission report—there are three times that violent extremism is referred to in the 9/11 Commission report. But that has to be considered in light of the other things in the 9/11 Commission report because also in the 9/11 Commission report, there are 39 references to the enemy.

Well, for those of us who have been in military service, there was never a question. The enemy were those who wanted to destroy us, to kill us. And it's very easy to understand when a group calling themselves Islamists, calling themselves jihadists, want to kill everybody who does not believe as they do, they're the enemy. Not that difficult to understand.

□ 1550

But in this administration, these are bad words because, in the 9/11 Commission Report, 126 times the word ''jihad'' is used. Well, under this administration, you've got the FBI Counterterrorism Lexicon. Those are the words to train our FBI. They're used to train our intelligence. They're used to train law enforcement.

One of the things the Federal Government also does is train local law enforcement. So many local law enforcement make the journey here. Federal law enforcement as well as local and State law enforcement make the journey to Washington, D.C. They make the journey to Federal facilities to have Federal officers instruct them and teach them about different issues that are threats to our country. So it's important that people be properly educated about the threat.

Yet under this administration—forget what the 9/11 Commission Report saw as the real threat—there are 29 times that ''violent extremism'' can be found in the FBI Counterterrorism Lexicon and nine times that it can be found in the National Intelligence Strategy from 2009, which lays out our strategy as to how we're going to face and defeat the enemy that has declared war on us, that wants to destroy us.

There are 39 times that the 9/11 Commission Report referred to ''enemy.'' Yet the FBI Counterterrorism Lexicon and National Intelligence Strategy from this administration thinks the word ''enemy'' may, perhaps, hurt the feelings of those who want to kill us. Because they want to kill us, let's not hurt their feelings by calling them the ''enemy.''

We had an actual bill that changed the Military Commission Act of 2006, done in 2009 under Speaker PELOSI and Leader REID, and that was probably some of the thinking behind changing it. They were afraid the term ''enemy combatant'' might offend those who want to cut off our heads, blow us up, nuke us. They didn't want to offend them; but here again, the word ''enemy'' is hard to replace, so they left the word ''enemy'' in there but softened it up. Instead of calling them ''enemy combatants,'' they changed the wording of the Military Commission Act so that it's now ''unprivileged alien enemy belligerent.''

Hopefully, by softening the language, those who want to cut off our heads and nuke our Nation will feel better about those they want to kill and destroy.

The 9/11 Commission Report refers 126 times to ''jihad.'' Clearly, that's what we're facing—jihadists who want to commit jihad, which is a holy war, the way these people see it, against those of us they see as infidels. As Khalid Sheikh Mohammed references in his own pleading in the 9/11 case, they reference a provision in the Koran that says they're justified in killing those who would combine any entity with Allah, because Allah gives no permission to combine him.

So, if anyone thinks that there is a Holy Trinity, which are the words that start off the Treaty of Paris, 1783, with Great Britain—you can find it over at the State Department. The first words are in big, bold type: ''In the name of the most holy and undivided Trinity''—that's how our treaty started that recognized this country. Well, according to those Islamic jihadists, who are at holy war with us, that document, itself, is a declaration that we are infidels and need to be destroyed. Yet, under this administration, the FBI is not being taught what ''jihad'' means. It's eliminated from the Lexicon. It's eliminated from the National Intelligence Strategy in this administration.

Even the word ''Muslim'' is found 145 times in the 9/11 report because you could not do an assessment of the 9/11 attack without discussing Muslim and Islam. Yes, it's only a small, tiny percentage of Muslims who believe this way—thank God for that—but let's don't kid ourselves that they believe that they were holy Muslims who came and killed 3,000-plus people on 9/11.

Not only has this administration whitewashed—completely eliminated—the word ''Muslim'' from our Lexicon and from our Strategy, but also the word ''Islam,'' which is mentioned 322 times in the 9/11 Commission Report by these bipartisan people, who were concerned like we all were after 9/11 that we might lose this country—that people might nuke us, that they might destroy Washington, New York, Chicago, an area down near Houston where 70 percent of our oil is refined. There are places we were afraid we would get hit—and we would not have energy; we would not have a government; we would not have commerce; our seats of commerce.

That's when the 9/11 Commission Report came out, because they knew they had to be honest and candid in their assessment. Whether we agree or disagree with their findings, they were working in the best of good faith in trying to make their assessment. That's why they used these terms as many times as they did—322 times. It's not Islam. It's not the 1.5 billion people who proclaim Islam is their religion, their way of life. It's a small percentage.

But how can we expect to defeat the enemy that has declared war on us unless we recognize who it is?

There are a number of other references.

The Muslim Brotherhood is a national organization that is working toward an international caliphate. In the Holy Land Foundation trial, tried down in Dallas, there were 105 counts. They were found guilty, five defendants. It was about the Muslim Brotherhood and the Holy Land Foundation and the Palestine Committees that were raising money and were certainly giving some to some charities. They could point to those and say, Look, we gave money to charity—but they were also funneling money to Hamas. They were funneling money to terrorism. That's against our law.

There are 65 times that ''religious'' is used in the 9/11 Commission Report because these Islamic jihadist nutcases considered themselves religious in what they were doing in killing so many innocent people.

There are 36 times ''al Qaeda'' is referenced in the 9/11 Commission Report—but in the FBI Counterterrorism Lexicon, zero; in the National Intelligence Strategy, one time.

''Sharia law'' was referenced twice in the 9/11 Commission Report. It's not even mentioned in the new Lexicon or the Strategy.

How can we win a war declared by others upon us unless we can recognize our enemy?

This administration has done—not everything—but it has done so much that it can blind us so we can't see our enemy. There is nothing more vivid than to see the complete eradication of the terminology that would allow our people to recognize their enemy.

There's not even a reference to ''Hamas.'' Hamas is a terrorist organization. We've recognized them as a terrorist organization. They're responsible for killing innocent people. Yet, in the new Lexicon, we're not even telling people who are being trained to defend us about Hamas.

How do we expect to win a war like that, not one of our making, not one we want but one declared on us, unless we are willing to recognize those who are at war with us and to recognize their motivation?

These folks are extremely predictable if you understand their mind-set, if you understand how they take provisions from the Koran and twist them and what they believe with them. Unless you can study that and understand that, you can never say, as General Patton did after he defeated Rommel and stood up looking over the devastation that his tankers had caused—and he used a little colorful language—''I read your book.''

However, nowadays we're preventing our law enforcement, our intelligence, our State Department from reading the book—those who have put books together and studied books—of those who are trying to create a way to wipe out the Little Satan, Israel; Zionism—and the Great Satan, the United States of America.

□ 1600

We in this body and those at the other end of this Hall in the Senate took an oath; and unless an oath means nothing, we have a duty to perform. I have come to know very personally some with whom I hardly ever agree on political issues on the other side of the aisle, but I've come to know their hearts, and we have gotten to be good friends. And I know people on both sides of the aisle here who, with all their heart, want to live up to their oath and do the right thing.

But no matter which side of the aisle we're on—or if we don't even care about aisles—it is critical that historically for a nation to survive, it must recognize those who have sworn the destruction of that nation and are doing everything they can to gather the means to do that.

We have a Private Abdo. This is a young man, Private Abdo, who did an interview on al-Jazeera. He was seen on al-Jazeera. We have people in our administration's intelligence and Justice who see him on al-Jazeera, basically laying out—and of course this news program was done in Arabic. It was not done in English. If you listen to the program on YouTube, you can hear some of the things that Private Abdo said.

But he made clear, Hey, I'm a Muslim. I cannot deploy. The same things that Major Hasan said before he went and killed 13 of our military at Fort Hood and another, which was the unborn child of one of our pregnant servicemembers. He made clear, just like Private Abdo, I can't both deploy and be a Muslim. I will have to go kill Americans. I can do that without violating my religion, at least in their beliefs. But I cannot be deployed into a Muslim country because of the risk I might kill a Muslim without that person that I kill meeting one of the requirements to be allowed to be killed and, therefore, that would send me basically to hell. So I can't do that. But it's okay to kill Americans.

This Justice Department ought to be getting these words back in its lexicon. Our intelligence should get them back in their lexicon so that when you have a private go on al-Jazeera and say these things, that our intelligence and our Justice Department are allowed to put that in a memo and say, This guy has sworn that he cannot go to a Muslim country; and, therefore, he's better off killing our own soldiers than he is being deployed.

We need to recognize when people are saying they're going to have to kill us. But instead, even though he was seen on al-Jazeera and it was clear he was setting things up, just like Major Hasan did, the only reason that people were not killed by the bombs he was wanting to create and he was buying material to produce was because a local gun dealer got suspicious and reported him, not because the intelligence or Justice Department acted on seeing this private putting himself in Major Hasan's same pattern.

If I could see that other poster. We've got another soldier in uniform who has been on al-Jazeera. And yet now, because of the changed lexicon, people are not able to properly pursue this kind of problem so that one of our own soldiers starts defaming our own military and using the OIC term that Islamophobia is evident within the military. The overwhelming sentiment was that Islamophobia was present in the U.S. military.

It's time that this administration wake up; and if it's not willing to wake up, this Congress must wake it up. That's why the Founders created three separate branches and created two Houses within this branch so that they hoped that there would be adequate responses to threats, they hoped that it would be difficult to pass laws that would hurt the country. Their hope was that they were setting up a system that would protect itself. But until we take the blinders off, those who are sworn to protect us, we're in some big trouble. Or as folks at Fort Benning, where I served for 4 years, used to say, We'll be in some deep kimchi.

With that, I yield back the balance of my time.

CONGRESS: DON'T TREAD ON D.C.

The SPEAKER pro tempore (Mrs. HARTZLER). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Madam Speaker, I rise to speak about a possible set of events that will, I think, astound the American people. Most, by now, would agree that a shutdown of the government is a very bad idea. A shutdown of the government is a worse idea for the American people. But if you want to hear the worst of the worst, by far, it is shutting down a local government which is not involved in your national fight. That is what could happen as the first session of the 112th Congress closes out and leaves its signature on American history.

The District of Columbia's local budget, raised in the city, a budget larger than the budget of some States—thanks to the taxpayers of the city—nevertheless, has to be approved by the Congress. It was approved by the District of Columbia months ago, even approved by the Financial Services appropriations subcommittee months ago. But here it sits because most of the appropriations have not been approved by the Congress of the United States.

No wonder District of Columbia residents have informed our office that they will be here tomorrow to speak for themselves because, Madam Speaker, taxation without representation is

bad enough. In fact, it was considered so outrageous that our Forefathers went to war over this very notion.

□ 1610

Taxation without representation, followed by confiscation of a local government's judgment on how it ought to spend its own money, is un-American and should be unacceptable anywhere in the world except, of course, authoritarian governments.

So here I am again. I was on the floor just a few months ago on this very same issue, and doesn't it say everything about this Congress this year. The Republicans have had a year to learn since they took control of the House. They are very slow learners because for the third time we face a possible government shutdown, and we face the possible shutdown of a local government that is not in this fight and has passed its own local, balanced budget.

No forward movement. No forward movement for the District of Columbia and no forward movement for the country. We are embroiled in the same fights because one side, my friends on the other side of the aisle, have decided that a legislative body is one in which one side takes all. The whole notion that we come from diverse and different parts of the country and will have to find a meeting of the minds on issue after issue has fled from this Chamber.

So we see it not only with respect to my district, which is caught in this fight, a fight not of its making, a fight from which it cannot extricate itself, a fight out of which it cannot negotiate itself. We see this happening as if there were no past history to inform us not to do this again.

We don't know if we'll be home for Christmas. We don't know if the government will be shut down. We don't know if there will be a payroll tax holiday, desperately needed by everybody who works in the District of Columbia and in the United States.

And we don't know whether there will be unemployment insurance for everybody who lost their jobs and can't find a job. And let me get this right because this is quite astounding. For every four people looking for a job today, there is one opening. That, of course, is because you have to do two things when you find yourself in the predicament that the President found himself in when he entered the White House. You've got to find a way to grow your economy with some spending in the short term, and you have to find a way to cut spending and tax yourself in the long term. Of course, the other side understands the cutting side. They don't care, apparently, if the economy goes down the drain because they are about to recess without ever having come before this Chamber with a jobs bill to grow the economy.

This Republican House has no major legislation to show for a year's worth of work. It has been off on side issues; and one of those side issues has been the District of Columbia, into whose business it has no business entering, taking the city's vote, the vote that the city had in the Committee of the Whole, on the very first day as the first item of business and then piling on with a set of amendments designed to intrudes on the city's right to govern itself and to spend its own local funds as every local government does, as those who elect it locally have insisted.

So I had to yesterday call the Mayor of the District of Columbia, once again, and say I don't see any way out of a possible close-down for the District of Columbia if the Federal Government closes down. And while he found it unbelievable after the Congress now has the lowest rating in memory that they would even consider a close-down, nevertheless he has got to take the preparations that the federal government takes and is now taking when a close-down becomes a possibility.

The Home Rule Act gave the District of Columbia control over its local laws and its local funds with the caveat that they were to pass through here and pass by. That's literally what it is, a pass-by in the Congress. This has become more than a pass-by. It has become an occasion to encumber the District of Columbia with the views and the laws of Members of Congress, not elected from the District of Columbia, not responsible to the District of Columbia.

So the do-nothing 112th House has no major bill to its credit, no signature to take home; but it does leave an infamous signature that it was able to bully a medium-sized city in America because of some leftover jurisdiction over its local affairs. No wonder that there is palpable harm to the residents of this city. If you have the right to bully, just like the bully in the school yard, they are going to bully.

But I come to the floor this evening to say that we will never let an occasion where Congress intrudes on our rights as American citizens go by without calling you on it. We may go down, but we will go down fighting. We will not go silently into the night.

Once again, on a controversial issue, the House has insisted that the District of Columbia be forbidden to spend its own local funds on abortion services for local women in the District of Columbia. The operative word here is ''local.'' Over and over again, I will say local: local money, local women. No business of the Congress.

I can understand the strong feelings on this issue. Indeed, I respect them. What I do not respect is your imposing your strong feelings on a jurisdiction not your own, on a jurisdiction over which you have no moral jurisdiction.

And so despite the District's own view that our most vulnerable women need the same access to all reproductive services as other jurisdictions have, even if they have to spend their own local money, and many do, even if you are willing to spend your own local money, Congress is not going to let the District spend its own local money. My colleagues on the other side of the aisle, these Tea Party Republicans who came here talking about federalism, have been the first to violate the first principle of federalism.

We are not here talking about local laws alone, my friends, we are talking about local money, money raised in the District of Columbia. Not a penny of it from this Chamber. By what right do you tell us anything about how to spend that money, particularly when that money is spent legally and constitutionally? How do you square that with your Tea Party principles?

They tried on another issue as well. We were able to stop that one. For 10 years this Congress kept the District from spending its own local funds on needle exchange programs used all over the country, albeit with local funds, even though over and over again in test after test, it has been found that well-run needle exchange programs keep people from spreading HIV and AIDS.

□ 1620

In big cities where there are drug addicts, you will find that as many as one-third of those who contract this virus do so through needles; someone who has the virus then has relations with someone who doesn't but doesn't know the other has the virus, and quickly the virus is spread. It is important to note that every health organization and every scientific organization has recommended needle exchange programs as a way to control AIDS, and they've done so based on the scientific evidence.

Down the road, our sister city, Baltimore, a much poorer city, has a better HIV/AIDS rate than the District of Columbia because Baltimore has been spending its own local funds, the way most big cities have, for needle exchange now for decades. Because we were a decade without the ability to do that—because some Members of this House decided they did not want us to do it, they took the lives of—they took the lives of—residents of the District of Columbia and actively participated in the spread of the virus.

Who are they to tell us in our jurisdiction how we must attend to the health of our own local residents? What do they know about it? By what rights do they come to their mandate, regardless of the consequences, to tell us or any other local jurisdiction what must be done or what we must do? Does the word ''democracy'' fall out of the English language when it comes to the people who live in the Nation's Capital? How do we put it back in? Does the mayor of the city, does the entire city council have to keep being arrested in order to make the point, with this picture sent all around the world showing what a lie ''democracy'' can be in our country?

If the 112th House didn't learn that you don't raise taxes on the middle class, if they didn't learn that those

who are unemployed should have unemployment insurance, I don't know why I expect them to learn how they should treat the 600,000 residents who live in the District of Columbia.

I see that I've been joined on the floor by a good friend and colleague, and I want to thank Mr. ELLISON for coming to the floor and yield time to him at this time.

Mr. ELLISON. Let me thank the gentlelady from Washington, D.C.

The message I have is very short. It's based on a group of young people who visited me in my office today, all from Washington, D.C. And they are on a hunger strike and have not eaten any solid food for 8 days. I promised them that I would not eat, either, starting tonight, and will not eat for 24 hours in solidarity with their struggle. They asked me to read a statement.

The statement reads as follows: ''Occupy The Vote D.C.

D.C. needs representation: Fast.

Occupy the vote. Corrynf@occupydc.org.

To: Those in Congress with a vote.

Regarding: Full democracy for the citizens of D.C.

Since its creation, our Capital, the bastion of American democracy, has been handicapped from responding to the will of its citizens. Despite paying taxes to the Federal Government and sending our citizens to fight and die in every war, Washingtonians have had no voting representation in Congress, and have had to seek approval from people they did not elect on all legislative and budgetary matters. In other words, the so-called capital of the free world is America's most disenfranchised jurisdiction.

More than 200 years after the American Revolution, taxation without representation—the foundational grievance of our country—is still alive and well in our Nation's Capital. Washingtonians pay higher per capita Federal income taxes than any State, yet we have no say in how Congress spends that money.

It's true that there was a time long ago when the Capital had few residents outside of the legislators and first Federal workers, who maintained representation in their home States. But D.C. now has 600,000 taxed, yet voiceless, citizens. Not a Senator to hear them at the Hart Building, no voting Representative in the House to stand for their concerns.

Based on the founding principles of our democratic Nation, we the signees demand that Washington, D.C., have the long overdue freedoms of:

Full budgetary autonomy. Congress is overburdened and often stalemated by its responsibilities to the rest of the country. Yet, the D.C. Government cannot spend its own tax dollars without the approval of Congress. A bill proposed by Representative DARRELL ISSA would free D.C.'s local budget from congressional control. We urge Congress to pass this bill free of any riders restricting how D.C. spends its own money. Letting D.C. take control of its own budget would free time for Congress to attend to national issues, while giving D.C. the local democracy that is given to every other American.

Full legislative autonomy. Eliminate the requirement for congressional review of new District laws. This redtape subverts democracy and adds bureaucratic inefficiency to the processes of both Congress and D.C. Government. We urge Congress to pass the District of Columbia Legislative Autonomy Act of 2011, H.R. 506.

Full representation and voting rights in Congress. The people of D.C. do not have a vote in the House or in the Senate. This deprives more than 600,000 Americans of an empowered voice in our national legislature. This unjust situation has allowed Members of Congress who were not elected by the people of the District of Columbia to impose policies upon the citizens of D.C. that are not supported by the people. We urge Congress to pass H.R. 266, the District of Columbia Equal Representation Act of 2011.

Politicians have attached riders related to abortion funding and gun ownership to past bills that would expand real democracy for D.C. residents. These riders ultimately divert the dialogue from democratic representation and further disenfranchise Washingtonians. We demand that any such riders attached to the legislation above be presented not as mandates, but as referendum proposals up for vote by the citizens of Washington, D.C.

Until D.C. realizes democracy as stipulated above, we will follow the examples of Alice Paul, Mohandas Gandhi, and Anne Hazare, and will refuse all food and consume only water in a continuous hunger strike. In a gesture of transparency, we fast here, in the open, at McPherson Square, Washington D.C., with a transparent 24-hour video livestream at occupythevotedc.tumblr.com.

To consciously disenfranchise hundreds of thousands of American citizens is unjust and contrary to this country's principles. Democracy for D.C. is not a political issue but a moral issue, not an issue of left or right but of representation and democracy. We call on President Obama, House Oversight Committee Chairman DARRELL ISSA, and the U.S. Congress to show real leadership and give the Capital of this great country the voting representation and local democracy it deserves.

In solidarity with Occupy D.C. and people's democratic movements the world over,

Signed, Adrian Parson, Sam Jewler, Joe Gray, and Kelly Mears.''

I only read what they asked me to read. And I commend their struggle and will deny myself all food and all water for 24 hours starting tonight in solidarity with their struggle.

I yield back to the gentlelady and thank her for her time.

Ms. NORTON. Well, I can't thank the gentleman enough for coming to the floor, first of all, in solidarity with the residents of the District of Columbia to read the statement in solidarity with the hunger strikers themselves. It's very important to us, and I think Mr. ELLISON's coming to the floor does say to the District of Columbia that I'm not alone here, that there are hundreds of Members, like Mr. ELLISON, for whom the issue of full democracy for the District of Columbia is a priority.

So here is a Member who is from the Midwest, from Minnesota, who takes the time because the hunger strikers have visited his office. They have visited my office, as well. They are young people doing something on their own. No one would have said to anyone else, you ought to go on a hunger strike. But it does show you the desperation that many in our city feel that among us are some who, in order to call attention to this injustice in our country, have now taken to something beyond civil disobedience, to the ultimate kind of sacrifice, when they have given up food now for 8 days.

Again, I want you to know that this is nothing that they have been asked to do, not because I asked them to do it any more than I asked the residents of the District of Columbia, the mayor and members of the city council, to be arrested in April on Capitol Hill.

□ 1630

What you have seen during the 112th Congress is spontaneous reaction from officials and residents of the District of Columbia to spontaneous injustice from this House.

Importantly in what Mr. ELLISON read was the notion of budget autonomy. The most immediate answer to the predicament we find ourselves in is the failure of Congress to acknowledge that our local budget has no business in this House.

I am very pleased that one Member, the chairman of the House Oversight and Government Reform Committee, Mr. ISSA, had the District before him in the form of several of our public officials and listened closely to their testimony. Their testimony, and the testimony of witnesses called by the majority Republicans, went something like this: that the District of Columbia's finances and its budget are in better shape than those of virtually any jurisdiction in the United States.

Then witnesses from both sides said that the District does incur significant problems. Those problems result from the fact that the District has to do its budget twice—first for itself, and then the Congress does its budget again. As a result, the bondholders charge the residents of the District of Columbia a premium because Congress requires the District's budget to come here.

What does the Congress do with the District's budget when it comes here? Well, it certainly wouldn't tamper with a budget that has been put together by D.C. Council subcommittees, hearing endless hours of testimony, then calling committees, then with give-and-

take from members of the council. Congress doesn't feel it's competent to do that, so what Congress does is to essentially pass the budget as it is and use the fact that the budget is here for its own purposes and against the interests of the residents of the District of Columbia. It uses the local D.C. budget to affix amendments—known as riders—to keep the District from doing what the District wants to do with its own local funds. I'm not here talking about what the District wants to do with Federal funds; it's what the District wants to do with its own local funds.

And in order to make sure that the District gets the point, the District gets shut down if the Federal Government decides to shut down. The very threat of a shutdown has repercussions for the District's finances, for those who hold its bonds, for those who hold its contracts. No city can afford that, and certainly not the District of Columbia.

As a result, this situation has not only driven our own people to civil disobedience, it has driven them to follow the example of Mahatma Gandhi who, when things got bad enough, if you saw the movie ''Gandhi,'' would simply stop eating. People would beg him to eat, and he would stop eating. And people would say, You must eat; you're more valuable if you're alive, and he would not eat because he was trying to shame the British Government into bringing democracy to India. And he succeeded and has been, of course, the great icon of civil disobedience of various kinds.

But who would expect that public officials would have to engage in civil disobedience here? Who would ever think that a hunger strike would be necessary in the United States of America? Not for some radical principle, but for the first principle, the principle upon which this country was founded: If it's our money, we get to decide what to do with our money, King George—yes, and King Congress.

May I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 1 minute remaining.

Ms. NORTON. There is an answer to this, and I thank Mr. ISSA for proposing a budget autonomy bill himself that mirrors my own budget autonomy bill—with some differences to be sure, in deference to the Congress. But this is a chairman of a committee who listened to the District, listened to witnesses, understood the harm imposed on the District—not only the shutdown, not only, of course, the amendments, but he was particularly impressed by the harm it does to the finances of a city that has done the right thing by its own finances.

As we contemplate what will happen in the next few hours, we ought to find a way to do two things if we do nothing else: Make sure that the District budget passes as the District would have it—not as any Member of this House would have it—and that the abortion amendment is gone; and, finally, that under no circumstances, whatever happens to the Federal Government, under no circumstances should the government of a local jurisdiction, your Nation's capital, be shut down.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the Special Order by Mr. TERRY of Nebraska, as well as on the subject of the Special Order by Ms. NORTON of the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2256

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 56 minutes p.m.

CONFERENCE REPORT ON H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

CONFERENCE REPORT (H. REPT. 112–331)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consolidated Appropriations Act, 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.
Sec. 5. Availability of funds.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

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

DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent agencies
Title V—General provisions

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

Title I—Departmental management and operations
Title II—Security, enforcement, and investigations
Title III—Protection, preparedness, response, and recovery
Title IV—Research and development, training, and services
Title V—General provisions

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related agencies
Title IV—General provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies
Title V—General provisions

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012

Title I—Legislative branch
Title II—General provisions

DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012

Title I—Department of State and related agency

Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance
Title VII—General provisions
Title VIII—Overseas contingency operations

SEC. 3. REFERENCES.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

TITLE I

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $43,298,409,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,803,334,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,635,136,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,096,708,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,289,407,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,935,544,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $644,722,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,712,705,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,585,645,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,088,929,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $31,072,902,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $38,120,821,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,542,937,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,985,486,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,152,008,000: Provided, That not more than $47,026,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities,

and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,071,733,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,305,134,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $271,443,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,274,359,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,924,932,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,098,780,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,861,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $346,031,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $308,668,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $525,453,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,716,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $326,495,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $107,662,000, to remain available until September 30, 2013.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $508,219,000, to remain available until September 30, 2014: Provided, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $105,501,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,360,334,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,223,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,070,405,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,884,424,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,924,214,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,675,734,000, to remain available for obligation until September 30, 2014.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,224,432,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $626,848,000, to remain available for obligation until September 30, 2014.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (AP), $554,798,000;

Virginia Class Submarine, $3,221,314,000;

Virginia Class Submarine (AP), $1,461,361,000;

CVN Refuelings (AP), $529,652,000;

DDG–1000 Program, $453,727,000;

DDG–51 Destroyer, $1,980,709,000;

DDG–51 Destroyer (AP), $100,723,000;

Littoral Combat Ship, $1,755,093,000;

LPD–17, $1,837,444,000;

LHA–Replacement, $1,999,191,000;

Joint High Speed Vessel, $372,332,000;

Oceanographic Ships, $89,000,000;

Moored Training Ship, $131,200,000;

LCAC Service Life Extension Program, $84,076,000;

Service Craft, $3,863,000; and

For outfitting, post delivery, conversions, and first destination transportation, $270,639,000.

Completion of Prior Year Shipbuilding Programs, $73,992,000.

In all: $14,919,114,000, to remain available for obligation until September 30, 2016: Provided, That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,013,385,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,422,570,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,950,000,000, to remain available for obligation until September 30, 2014: Provided, That of the amount made available

under this heading, $63,500,000 made available for C–130J aircraft shall be transferred to the Department of Homeland Security, Coast Guard, ''Acquisition, Construction, and Improvements'': Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,080,877,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $499,185,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,403,564,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,893,428,000, to remain available for obligation until September 30, 2014.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $169,964,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,745,492,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,753,940,000, to remain available for obligation until September 30, 2013: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,535,996,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,193,955,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $191,292,000, to remain available for obligation until September 30, 2013.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,575,010,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,100,519,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,482,059,000; of which $30,582,235,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2013, and of which up to $16,512,141,000 may be available for contracts entered into under the TRICARE program; of which $632,518,000, to remain available for obligation until September 30, 2014, shall be for procurement; and of which $1,267,306,000, to remain available for obligation until September 30, 2013, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,554,422,000, of which $1,147,691,000 shall be for operation and maintenance, of which no less than $71,211,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $19,211,000 for activities on military installations and $52,000,000, to remain available until September 30, 2013, to assist State and local governments and $406,731,000, to remain available until September 30, 2013, shall be for

research, development, test and evaluation, of which $401,768,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,209,620,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: Provided further, That $23,000,000 may not be obligated or expended until the Secretary of Defense submits an implementation plan for the expansion of prescription drug testing to the congressional defense committees.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $346,919,000, of which $341,419,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2014, shall be for procurement; and of which $4,500,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $513,700,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $547,891,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

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

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

UH–60M/HH–60M and MH–60R/MH–60S Helicopter Airframes; and MH–60R/S Mission Avionics and Common Cockpits.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2012, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.

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

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $37,745,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,838,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,990,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $917,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2012 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain

charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2012, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $150,245,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2012. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

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

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

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

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''National Defense Sealift Fund, 2002/XXXX'', $20,444,000;

''National Defense Sealift Fund, 2003/XXXX'', $8,500,000;

''National Defense Sealift Fund, 2004/XXXX'', $6,500,000;

''Aircraft Procurement, Army, 2010/2012'', $5,100,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $4,353,000;

''Procurement of Ammunition, Army, 2010/2012'', $21,674,000;

''Other Procurement, Army, 2010/2012'', $58,647,000;

''Aircraft Procurement, Navy, 2010/2012'', $90,000,000;

''Aircraft Procurement, Air Force, 2010/2012'', $32,897,000;

''Missile Procurement, Air Force, 2010/2012'', $3,889,000;

''Other Procurement, Air Force, 2010/2012'', $12,200,000;

''Procurement, Defense-Wide, 2010/2012'', $716,000;

''Aircraft Procurement, Army, 2011/2013'', $21,500,000;

''Missile Procurement, Army, 2011/2013'', $99,800,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2011/2013'', $18,834,000;

''Procurement of Ammunition, Army, 2011/2013'', $15,000,000;

''Other Procurement, Army, 2011/2013'', $438,436,000;

''Aircraft Procurement, Navy, 2011/2013'', $78,000,000;

''Weapons Procurement, Navy, 2011/2013'', $34,276,000;

''Procurement of Ammunition, Navy and Marine Corps, 2011/2013'', $28,262,000;

''Other Procurement, Navy, 2011/2013'', $59,598,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2011/2015'': Littoral Combat Ship Advance Procurement: $110,351,000;

''Aircraft Procurement, Air Force, 2011/2013'', $220,213,000;

''Missile Procurement, Air Force, 2011/2013'', $193,900,000;

''Other Procurement, Air Force, 2011/2013'', $52,868,000;

''Procurement, Defense-Wide, 2011/2013'', $4,312,000;

''Research, Development, Test and Evaluation, Army, 2011/2012'', $356,625,000;

''Research, Development, Test and Evaluation, Navy, 2011/2012'', $65,687,000;

''Research, Development, Test and Evaluation, Air Force, 2011/2012'', $258,094,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2011/2012'', $254,284,000;

''Defense Health Program, 2011/2012'', $257,000:

Provided, That the funds rescinded from the National Defense Sealift accounts are those described under the heading ''National Defense Sealift Fund'' in Public Law 107–117, Public Law 107–248, and Public Law 108–87, or for the purposes described in section 115 of division H of Public Law 108–199, as amended by section 1017 of division A of Public Law 109–13.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

(c) A notice under subsection (a) shall include the following:

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

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

of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8066. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $124,493,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2012.

SEC. 8069. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8070. (a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding the following new section at its end—

''§ 1790. MILITARY PERSONNEL CITIZENSHIP PROCESSING.

''AUTHORIZATION OF PAYMENTS.—Using funds provided for operation and maintenance and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by the United States Citizenship and Immigration Services (USCIS) of applications for naturalization described in sections 328(b)(4) and 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and 1440(b)(4)). Such reimbursements shall be deposited and remain available as provided by sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m)). Such reimbursements shall be based on actual costs incurred by USCIS for processing applications for naturalization, and shall not exceed $7,500,000 per fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after the item relating to section 1789 the following new item:

''1790. Military personnel citizenship processing.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $235,700,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $110,525,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $66,220,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $58,955,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8072. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy, 2005/2012'': LPD–17 Amphibious Transport Dock Program $18,627,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy, 2006/2012'': LPD–17 Amphibious Transport Dock Program $23,437,000; and

(3) Under the heading ''Shipbuilding and Conversion, Navy, 2008/2012'': LPD–17 Amphibious Transport Dock Program $31,928,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. (a) Of the amounts appropriated in title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', for Budget Activities 4, 5 and 7, $50,000,000 shall be transferred to Program Element 0605601A: Provided, That no funds may be transferred until 30 days after the Secretary of the Army provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(b) Of the amounts appropriated in title IV of this Act under the heading ''Research, Development, Test and Evaluation, Air Force'', for Budget Activities 4, 5 and 7, $34,000,000 shall be transferred to Program Element 0605807F: Provided, That no funds may be transferred until 30 days after the Secretary of the Air Force provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8082. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8086. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8087. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2013.

SEC. 8088. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. During the current fiscal year, not to exceed $200,000,000 from funds available under ''Operation and Maintenance, Defense-Wide'' may be transferred to the Department of State ''Global Security Contingency Fund'': Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State ''Global Security Contingency Fund'', notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8090. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $10,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $5,000,000 in any fiscal year, the R–1, Research, Development, Test and Evaluation Program; R–2, Research, Development, Test and Evaluation Budget Item Justification; R–3, Research, Development, Test and Evaluation Project Cost Analysis; and R–4, Research, Development, Test and Evaluation Program Schedule Profile.

SEC. 8091. The amounts appropriated in title II of this Act are hereby reduced by $515,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From ''Operation and Maintenance, Army'', $515,000,000.

SEC. 8092. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8093. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8094. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8095. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8099. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8100. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

SEC. 8101. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8102. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

(b) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

SEC. 8103. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $135,631,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8105. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871), as amended by Public Law 112–10, is amended by striking ''2 years'' both places it appears and inserting ''3 years''.

SEC. 8106. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: Provided, That not later than 90 days after the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the Office of the Director of National Intelligence strategic human capital plan and the Office of Director of National Intelligence current and future grade structure, to include General Schedule 15 positions.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or

flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8108. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8109. The Inspector General of the Department of Defense shall conduct a review of Anti-deficiency Act violations and their causes in the Department of Defense Military Personnel accounts. Based on the findings of the review, the Inspector General shall submit to the congressional defense committees a report containing the results of the review and recommendations for corrective actions to be implemented.

SEC. 8110. Of the amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $33,000,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for this purpose, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8111. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG–2012–024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 8112. (a) None of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure to relocate Air Force program offices, or acquisition management functions of major weapons systems, to a central location, or to any location other than the Air Force Material Command site where they are currently located until 30 days after the Secretary of the Air Force submits the initial report under subsection (b).

(b) The Secretary of the Air Force shall submit to the congressional defense committees a report which includes the following: a listing of all Air Force Material Command functions to be transferred and an identification of the locations where these functions will be transferred from and to; a listing of all Air Force Material Command personnel positions to be transferred and an identification of the locations these positions will be transferred from and to; and the cost benefit analysis and the life-cycle cost analysis underpinning the Secretary of the Air Force's decision to relocate Air Force Material Command functions and personnel.

SEC. 8113. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume quarterly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8114. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated, for an additional amount for ''Research, Development, Test and Evaluation, Army'', to remain available until September 30, 2013. Such funds may be available for the Secretary of the Army to conduct research on alternative energy resources for deployed forces.

SEC. 8115. The Secretary of Defense shall study and report to the Congressional Defense Committees the feasibility of using commercially available telecommunications expense management solutions across the Department of Defense by March 1, 2012.

SEC. 8116. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8117. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8118. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8119. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8120. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8121. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8122. Of the funds made available to the Department of Defense under ''Operation and Maintenance, Defense-Wide'' in title II, $1,000,000 may be available to the Department to competitively commission an independent assessment of the current and prospective situation on the ground in Afghanistan and Pakistan, including the strategic environment in and around Afghanistan and Pakistan; the security, political, and economic and reconstruction developments in those two countries; and relevant policy recommendations relating thereto.

SEC. 8123. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the approximately $100,000,000,000 in efficiency savings identified by the military departments in the defense budget covering fiscal years 2012 through 2016 that are to be reinvested in the priorities of the military departments. Such report shall include an analysis of—

(1) each savings identified by the military departments, including—

(A) the budget account from which such savings will be derived;

(B) the number of military personnel and full-time civilian employees of the Federal Government affected by such savings;

(C) the estimated reductions in the number and funding of contractor personnel caused by such savings; and

(D) a specific description of activities or services that will be affected by such savings, including the locations of such activities or services; and

(2) each reinvestment planned to be funded with such savings, including—

(A) with respect to such reinvestment in procurement and research, development, test and evaluation accounts, the budget account to which such savings will be reinvested, including, by line item, the number of items to be procured, as shown in annual P–1 and R–1 documents;

(B) with respect to such reinvestment in military personnel and operation and maintenance accounts, the budget account and the sub-activity (as shown in annual–1 and O–1 budget documents) to which such savings will be reinvested;

(C) the number of military personnel and full-time civilian employees of the Federal Government affected by such reinvestment;

(D) the estimated number and funding of contractor personnel affected by such reinvestment; and

(E) a specific description of activities or services that will be affected by such reinvestment, including the locations of such activities or services.

SEC. 8124. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8125. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8126. There is hereby established in the Treasury of the United States the ''Military Intelligence Program Transfer Fund''. In addition to amounts provided elsewhere in this Act, there is appropriated $310,758,000 for the ''Military Intelligence Program Transfer Fund'': Provided, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to ''Operation and Maintenance, Defense-Wide'' or ''Research, Development, Test and Evaluation, Defense-Wide'' and only for the purposes described in the classified annex accompanying this Act: Provided further, That the Secretary shall notify the congressional defense committees in writing of the details of any such transfer not fewer than 15 days prior to making such transfers: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8127. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8128. None of the funds made available by this Act for international military education and training, foreign military financing, excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, Democratic Republic of the Congo, and Burma may be used to support any military training or operations that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008, and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1).

SEC. 8129. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $7,195,335,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,259,234,000: Provided, That such amounts in this paragraph are designated

by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $714,360,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,492,381,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $207,162,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $44,530,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $25,421,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'' $26,815,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $664,579,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $9,435,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $44,794,156,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $7,674,026,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,935,210,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $10,879,347,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,252,211,000: Provided, That each amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the funds provided under this heading: Not to exceed $1,690,000,000, to remain available until September 30, 2013, for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, Operation New Dawn, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $217,500,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $74,148,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $36,084,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $142,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $377,544,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $34,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2013: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination

with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,200,000,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,137,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $126,556,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $37,117,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $208,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,334,345,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $480,935,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $41,070,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $317,100,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $236,125,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,233,996,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,235,777,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $41,220,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $109,010,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,088,510,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $405,768,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2014: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $2,600,170,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working

capital funds to accomplish the purpose provided herein: Provided further, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $18,513,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $53,884,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $259,600,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $194,361,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $435,013,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,228,288,000, which shall be for operation and maintenance, to remain available until September 30, 2012: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $456,458,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,441,984,000, to remain available until September 30, 2014: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $11,055,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2012.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Infrastructure Fund'', or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $400,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: Provided further, That the AROC must approve all projects and the execution plan under the ''Afghanistan Infrastructure Fund'' (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

SEC. 9010. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to $20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

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

SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9012. Notwithstanding any other provision of law, up to $150,000,000 of funds made available in this title under the heading ''Operation and Maintenance, Army'' may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9013. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'' up to $524,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

SEC. 9014. The amounts appropriated in title IX of this Act are hereby reduced by $4,042,500,000 to reflect reduced troop strength in theater: Provided, That the reductions shall be applied to the military personnel and operation and maintenance appropriations only: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to reducing funds for this purpose, notify the congressional defense committees in writing of the details of any such reduction by appropriation and budget line item.

SEC. 9015. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985:

''Overseas Contingency Operations Transfer Fund, 2010'', $356,810,000;

''Procurement of Ammunition, Army, 2010/2012'', $21,000,000;

''Other Procurement, Air Force, 2010/2012'', $2,250,000.

This division may be cited as the ''Department of Defense Appropriations Act, 2012''.

DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,694,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $252,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,412,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of

Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $185,000,000, to remain available until September 30, 2013, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2012, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to ''Corps of Engineers—Civil—Construction'' up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading ''Corps of Engineers—Civil—Flood Control and Coastal Emergencies'' in Public Law 109–234 and Public Law 110–252 and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the heading ''Corps of Engineers—Civil—Flood Control and Coastal Emergencies'' in Public Law 110–28, to be used with funds provided for the West Bank and Vicinity project under the heading ''Corps of Engineers—Civil—Construction'' in Public Law 110–252 and Public Law 110–329, consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $3,800,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 108. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 109. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C.

576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 110. None of the funds made available in this Act may be used by the Corps of Engineers to relocate, or study the relocation of, any regional division headquarters of the Corps located at a military installation or any permanent employees of such headquarters.

SEC. 111. (a) Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,'' approved June 22, 1936, (33 U.S.C. 701h), is amended by—

(1) inserting ''for work, which includes planning and design,'' before ''to be expended'';

(2) striking ''flood control or environmental restoration work'' and inserting ''water resources development study or project''; and

(3) inserting '': Provided further, That the term 'States' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes'' before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.

SEC. 112. With respect to the property covered by the deed described in Auditor's instrument No. 2006–014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 113. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 115. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

''(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.''.

SEC. 116. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open for 5 years after enactment of this Act to allow for completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 117. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2

seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

SEC. 118. None of the funds made available to the Corps of Engineers by this Act may be used for the removal or associated mitigation of Federal Energy Regulatory Commission Project number 2342.

SEC. 119. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

SEC. 120. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $27,154,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $895,000,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2012, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until

fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106–541, as amended by section 115 of Public Law 109–103, is further amended by striking ''$20,000,000'' and inserting ''$30,000,000'' in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence, by striking ''2011'' and inserting ''2013''; and

(2) in subsection (b), by striking ''$25,000,000 for fiscal years 1997 through 2011'' and inserting ''$3,000,000 for each of fiscal years 2012 through 2013''.

SEC. 205. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 206. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central-Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 207. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 208. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in the matter preceding paragraph (1), by striking ''In any case in which there are willing sellers'' and inserting ''For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants'';

(2) in paragraph (2), by striking ''in the Walker River'' and all that follows through ''119 Stat. 2268)''; and

(3) in paragraph (3), by striking ''in the Walker River Basin''.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking ''exercise water rights'' and inserting ''manage land, water appurtenant to the land, and related interests''; and

(2) in paragraph (2)(A), by striking ''The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation'' and inserting ''Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided''.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,825,000,000, to remain available until expended: Provided, That $165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That for the purposes of allocating weatherization assistance funds appropriated by this Act to States and tribes, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)): Provided further, That of the unobligated balances available under this heading, $9,909,000 are hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $139,500,000, to remain available until expended: Provided, That $27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, $768,663,000, to remain available until expended: Provided, That $91,000,000 shall be available until September 30, 2013 for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $534,000,000, to remain available until expended: Provided, That $120,000,000 shall be available until September 30, 2013 for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That of prior-year balances, $187,000,000 are hereby rescinded: Provided further, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation

Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

Of the amounts deposited in the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) in fiscal year 2011 which remain available for obligation under that section, $500,000,000 are hereby permanently rescinded.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: Provided, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2012; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: Provided further, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $235,721,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $472,930,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,889,000,000, to remain available until expended: Provided, That $185,000,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $275,000,000: Provided, That $20,000,000 shall be available until September 30, 2013 for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated to remain available until expended: Provided further, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $237,623,000, to remain available until September 30, 2013, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $111,623,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $126,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,233,997,000, to remain available until expended: Provided, That of such amount not more than $89,425,000 may be made available for the B–61 Life Extension Program until the Administrator of the National Nuclear Security Administration submits to the Committees on Appropriations of the House of Representatives and the Senate a final report on the Phase 6.2a design definition and cost study.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,324,303,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,080,000,000, to remain available until expended: Provided, That $40,000,000 shall be available until September 30, 2013 for program direction.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $410,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, $5,023,000,000, to remain available until expended: Provided, That $321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $823,364,000: Provided, That $114,086,000 shall be available until September 30, 2013 for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on

the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,428,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,010,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $220,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in this section, the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the ''Conference'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the joint explanatory statement accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(e) Notwithstanding subsection (c), none of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity,

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act, or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would

otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by the Department of Energy's (DOE) senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

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

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.''.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike ''$1,000,000'' and insert ''$2,500,000''.

SEC. 308. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 309. Of the amounts appropriated in this title, $73,300,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 311. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of $1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: Provided, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: Provided further, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 312. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 313. None of the funds made available by this Act may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 314. (a) The Secretary of Energy may openly compete and issue an award to allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Not later than 30 days before the issuance of such award, the Secretary of Energy shall certify to the Committees on Appropriations of the House of Representatives and the Senate that the award will not reduce the reliability or accessibility of the Strategic Petroleum Reserve, raise costs of oil in the local market, or negatively impact the supply of oil to current users.

(c) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

SEC. 315. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

SEC. 316. Recipients of grants awarded by the Department in excess of $1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $68,263,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until September 30, 2013: Provided, That within 90 days of enactment of this Act, the Defense Nuclear Facilities Safety Board shall enter into an agreement for inspector general services with the Office of Inspector General for the Nuclear Regulatory Commission for fiscal years 2012 and 2013: Provided further, That at the expiration of such agreement, the Defense Nuclear Facilities Safety Board shall procure inspector general services annually thereafter.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $11,677,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,679,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,497,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: Provided, That of the amount appropriated herein, not more than $9,000,000 may be made available for salaries and other support costs for the Office of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $127,514,000: Provided further, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until September 30, 2013: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) None of the funds provided in this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Nuclear Regulatory Commission shall require reactor licensees to re-evaluate the seismic, tsunami, flooding, and other external hazards at their sites against current applicable Commission requirements and guidance for such licenses as expeditiously as possible, and thereafter when appropriate, as determined by the Commission, and require each licensee to respond to the Commission that the design basis for each reactor meets the requirements of its license, current applicable Commission requirements and guidance for such license. Based upon the evaluations conducted pursuant to this section and other information it deems relevant, the Commission shall require licensees to update the design basis for each reactor, if necessary.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'').

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2012''.

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities, $308,388,000: Provided, That of the amount appropriated under this heading, $100,000,000 is for

the Office of Terrorism and Financial Intelligence, of which not to exceed $26,608,000 is available for administrative expenses: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed $350,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program: Provided further, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2013, is for secure space requirements: Provided further, That of the amount appropriated under this heading, up to $3,400,000, to remain available until September 30, 2014, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That notwithstanding any other provision of law, of the amount appropriated under this heading, up to $1,000,000 may be contributed to the Organization for Economic Cooperation and Development for the Department's participation in programs related to global tax administration.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,641,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $151,696,000, of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $110,788,000, of which not to exceed $34,335,000 shall remain available until September 30, 2014: Provided, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $950,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $217,805,000, of which not to exceed $4,210,000 shall remain available until September 30, 2014, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,878,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, $2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $20,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,635,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $10,000,000 shall remain available until September 30, 2014 to reduce improper payments: Provided, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than $8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $165,635,000. In addition, $165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding section 4707(e) of title 12, United States Code with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, $221,000,000, to remain available until September 30, 2013; of which $12,000,000, notwithstanding section 4707(e) of title 12, United States Code, shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding section 108(d) of such Act, up to $22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which $18,000,000 shall be for the Bank Enterprise Awards program; and of which up to $22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit; of which up to $10,315,000 may be used for the cost of direct loans; and of which up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That of the funds awarded under this heading, not less than 10 percent shall be used for projects that serve populations living in persistent poverty counties (where such term is defined as any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses).

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,239,703,000, of which not less than $5,600,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $9,750,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than $205,000,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which $15,481,000 shall be for expenses necessary to implement the tax credit in title II of division A of the Trade Act of 2002 (Public Law 107–210).

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,299,367,000, of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments;

facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,947,416,000, of which up to $250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to $65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2014, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: Provided further, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2013, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for CADE2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''12 years'' and inserting ''14 years''.

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 115. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. Section 5114(c) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended by striking ''for a period of not more than 4 years''.

SEC. 117. In the current fiscal year and each fiscal year hereafter, any person who forwards to the Bureau of Engraving and Printing a mutilated paper currency claim equal to or exceeding $10,000 for redemption will be required to provide the Bureau their taxpayer identification number.

SEC. 118. Section 5318(g)(2)(A) of title 31, United States Code, is amended—

(1) by striking clause (i) and inserting the following:

''(i) neither the financial institution, director, officer, employee, or agent of such institution (whether or not any such person is still employed by the institution), nor any other current or former director, officer, or employee of, or contractor for, the financial institution or other reporting person, may notify any person involved in the transaction that the transaction has been reported; and''; and

(2) in clause (ii)—

(A) by striking ''no officer or employee of'' and inserting ''no current or former officer or employee of or contractor for''; and

(B) by inserting ''or for'' before ''any State''.

SEC. 119. Section 5319 of title 31, United States Code (relating to availability of reports), is amended by inserting after ''title 5'' the following: '', and may not be disclosed under any State, local, tribal, or territorial 'freedom of information', 'open government', or similar law''.

SEC. 120. Section 5331(a) of title 31, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) who is engaged in a trade or business, and'';

(2) by redesignating paragraph (2) as subparagraph (B);

(3) in subparagraph (B), as so redesignated, by adding ''or'' at the end; and

(4) by inserting after subparagraph (B), as so redesignated, the following new paragraph:

''(2) who is required to file a report under section 6050I(g) of the Internal Revenue Code of 1986,''.

SEC. 121. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: Provided, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund

account, and the Treasury Forfeiture Fund account: Provided further, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2012''.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $56,974,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,425,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $112,952,000, of which $10,403,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $89,456,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,500,000: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): Provided further, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: Provided further, That each HIDTA designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding,

as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $105,550,000, to remain available until expended, which shall be available as follows: $92,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,400,000 for drug court training and technical assistance; $9,000,000 for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,250,000 shall be made available as directed by section 1105 of Public Law 109–469.

INTEGRATED, EFFICIENT AND EFFECTIVE USES OF INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient and effective uses of information technology in the Federal Government, $5,000,000, to remain available until expended: Provided, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes: Provided further, That the Director of the Office of Management and Budget shall submit quarterly reports to the Committees on Appropriations of the House and the Senate identifying the savings achieved by the Office of Management and Budget's government-wide information technology reform efforts: Provided further, That such report shall include savings identified by fiscal year, agency and appropriation.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $307,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and the Senate a report on the implementation of Executive Order 13563 (76 Fed. Reg. 3821; relating to Improving Regulation and Regulatory Review) by April 2, 2012. The report shall include information on—

(a) increasing public participation in the rulemaking process and reducing uncertainty;

(b) improving coordination across Federal agencies to eliminate redundant, inconsistent, and overlapping regulations; and

(c) identifying existing regulations that have been reviewed and determined to be outmoded, ineffective, or excessively burdensome.

SEC. 203. Within 120 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2014, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2014 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 204. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 205. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 206. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 207. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, $5,244,639 are rescinded.

SEC. 208. From the unobligated balances of prior year appropriations made available for Other Federal Drug Control Programs, $359,958 for a chronic users study and $5,723,403 for the National Anti-Drug Youth Media Campaign are rescinded.

SEC. 209. Of the unobligated balances available under the heading ''Executive Office of the President and Funds Appropriated to the President—Partnership Fund for Program Integrity Innovation'' in title II of division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117), $10,000,000 are rescinded. In addition to the amounts made available under such heading in this Act, $10,000,000 are appropriated, to remain available until September 30, 2013.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2012''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,819,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $32,511,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $21,447,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff,

as authorized by law, $5,015,000,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $5,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,031,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $51,908,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $500,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $82,909,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,000,000; of which $1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''20 years'' and inserting ''21 years''; and

(2) in the seventh sentence (related to the District of Hawaii), by striking ''17 years'' and inserting ''18 years''.

This title may be cited as the ''Judiciary Appropriations Act, 2012''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $30,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $232,841,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,830,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $114,209,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $66,712,000, of which not to exceed $2,500 is for official reception and representation expenses; and $39,090,000, to remain available

until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $3,000,000 of the funds provided under this heading among the items and entities funded under this heading but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies: Provided further, That not more than $10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading ''Federal Payment to the District of Columbia Courts'' for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,983,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which $153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $59,435,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than $1,500,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,241,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $60,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10).

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,916,966,000 (of which $6,208,646,000 shall be from local funds, (including $526,594,000 from dedicated taxes), $1,015,449,000 shall be from Federal grant funds, $1,499,115,000 from Medicaid payments, $2,040,504,000 shall be from other funds, and $25,677,000 shall be from private funds, and $127,575,000 shall be from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: Provided further, That of these funds the District's intra-District authority shall be $619,632,000: in addition, for capital construction projects, an increase of $4,007,501,000, of which $2,934,011,000 shall be from local funds, $223,858,000 from the District of Columbia Highway Trust Fund, $33,140,000 from the Local Transportation Fund, $816,492,000 from Federal grant funds, and a rescission of $2,849,882,000 of which $1,796,345,000 shall be from local funds, $749,426,000 from Federal grant funds, $252,694,000 from the District of Columbia Highway Trust Fund, and $51,416,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of $1,157,619,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under ''District of Columbia Funds Division of Expenses'' as included in the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2012''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $2,900,000, to remain available until September 30, 2013, of which not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $450,000, to remain available until expended.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $114,500,000, of which $500,000 shall remain available until September 30, 2013, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 100–140 (15 U.S.C. 8004).

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

''(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United Service under chapter 9 of such Act (22 U.S.C. 4081 et seq.).''.

SEC. 502. (a) EXTENSION OF GRANT PROGRAM.—Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(e)) is amended by striking ''2011'' and inserting ''2012''.

(b) NEW SWIMMING POOLS.—Section 1405(b) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(b)) is amended by inserting ''constructed after the date that is 6 months after the date of enactment of the Financial Services and General Government Appropriations Act, 2012'' after ''swimming pools''.

SEC. 503. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 504. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $11,500,000, of which $2,750,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002, and of which $1,250,000 shall be for the Office of Inspector General.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $339,844,000: Provided, That $339,844,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at $0: Provided further, That any offsetting collections received in excess of $339,844,000 in fiscal year 2012 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2012: Provided further, That of the amount appropriated under this heading, not less than $9,750,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2011'', each place it appears and inserting ''December 31, 2013''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,367,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $24,723,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $311,563,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $108,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $182,563,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in

the aggregate amount of $8,017,967,000, of which: (1) $50,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): Provided, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) $280,000,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services, of which $260,000,000 is for Basic Repairs and Alterations and $20,000,000 is for a Judiciary Capital Security program: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,210,198,000 for rental of space which shall remain available until expended; and (5) $2,350,968,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $61,115,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $69,500,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $58,000,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $12,400,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,671,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, $34,100,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $90,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2012 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (i)(6) by:

(1) deleting ''for training''; and

(2) deleting ''paragraph (2)'' and inserting in lieu thereof ''subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title''.

SEC. 527. Of the amounts made available under the heading ''Policy and Operations'' for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether appropriated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, $4,600,000 are rescinded.

SEC. 528. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $748,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,258,000, to remain available until September 30, 2013, together with not to exceed $2,345,000, to remain available until September 30, 2013, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,200,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 (20 U.S.C. 5604(7)).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $373,300,000: Provided, That all remaining balances appropriated in prior fiscal years under the heading ''Electronic Records Archives'' shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,100,000, to remain available until expended: Provided, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108–199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: Provided further, That from amounts made available under this heading in Public Law 111–8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,664,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $97,774,000, of which $6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which $642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, and of which $1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,142,000, and in addition, not to exceed $21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be

necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,972,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $900,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and to develop and test information technology resources and oversight mechanisms to enhance transparency of and detect and remediate waste, fraud, and abuse in Federal spending, $28,350,000, to remain available until September 30, 2013.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,321,000,000, to remain available until expended; of which not less than $6,795,000 shall be for the Office of Inspector General; of which not to exceed $45,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence: Provided, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $1,321,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $23,984,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $417,348,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2012: Provided further, That $112,500,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, to remain available until September 30, 2013: Provided further, That $20,000,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That $7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: Provided further, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,267,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 85–536) and section 503 of the Small Business Investment Act of 1958 (Public Law 85–699), $207,100,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: Provided further, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: Provided further, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $3,000,000,000: Provided further, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $117,300,000, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $110,300,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $6,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Section 7(d)(5)(D) of the Small Business Act (15 U.S.C. 636(d)(5)(D)) is amended by striking ''three years'' and inserting ''7 years''.

SEC. 532. Beginning in fiscal year 2013 and each fiscal year thereafter, the budget request for the Small Business Administration shall provided a detailed justification of any proposed changes from the enacted level by individual appropriation. The detailed justification shall include at a minimum a description of each credit and non-credit program including amount of funding and costs by appropriation account and fiscal year. For activities funded in multiple appropriations, the budget justification shall specify the amount included in each enacted appropriation, the amount proposed in the budget year and a justification for any proposed changes.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $78,153,000, which shall not be available for obligation until October 1, 2012: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $51,079,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSIONS)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $998,000 are rescinded.

SEC. 619. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: ''The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.''.

SEC. 620. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 621. For purposes of Public Law 109–285, the period described in section 5134(f)(1)(B) of title 31, United States Code, shall be treated as a 2-year, 9-month period.

SEC. 622. The Help America Vote Act of 2002 (Public Law 107–252) is amended by:

(1) inserting in section 255(b)(42 U.S.C. 15405) ''posted on the Commission's website with a notice'' after ''cause to have the plan'';

(2) inserting in section 253(d)(42 U.S.C. 15403) ''notice of'' prior to ''the State plan'';

(3) inserting in section 254(a)(11)(42 U.S.C. 15404) ''notice of'' prior to ''the change''; and

(4) inserting in section 254(a)(11)(C)(42 U.S.C. 15404) ''notice of'' prior to ''the change''.

SEC. 623. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), $25,000,000 are rescinded.

SEC. 624. The Department of the Treasury, the Executive Office of the President, the Judiciary, the Federal Communications Commission, the Federal Trade Commission, the General Services Administration, the National Archives and Records Administration, the Securities and Exchange Commission, and the Small Business Administration shall provide the Committees on Appropriations of the House and the Senate a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 625. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term ''Executive agency covered by this Act'' means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 626. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled ''Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts'' unless the Interagency Working Group on Food Marketed to Children complies with Executive Order 13563.

SEC. 627. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 628. None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

SEC. 629. None of the funds made available by this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 630. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with respect to which any unpaid Federal tax liability has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 631. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted or had an officer or agent of such corporation acting on behalf of the corporation convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 632. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking the date specified in such section and inserting ''August 1, 2012''.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: Provided further, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies

subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 712. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, or Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation or the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, or the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking ''Executive Order No. 12958'' and inserting ''Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto'';

(2) after ''the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);'' inserting ''sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);''; and

(3) after ''Subversive Activities'' inserting ''Control''.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 716. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 717. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 718. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 719. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 720. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: Provided further, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during fiscal year 2012 shall remain available for obligation through September 30, 2013: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 734. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the

prepackaged news story was prepared or funded by that executive branch agency.

SEC. 735. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 736. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 737. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 738. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 739. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 740. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 31 U.S.C. 501 note) is amended in subsection (a)(3), by inserting after ''exercise of an option'' the following: '', and task orders issued under any such contract,''.

SEC. 741. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 742. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 743. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms ''contribution'', ''expenditure'', ''independent expenditure'', ''electioneering communication'', ''candidate'', ''election'', and ''Federal office'' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

SEC. 744. Notwithstanding any other provision of law, until September 30, 2013, of the amounts made available for information technology investments under the heading ''Independent Agencies, Commodity Futures Trading Commission'' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (division A of Public Law 112–55), the Chairman of the Commodity Futures Trading Commission may transfer not to exceed $10,000,000 under such heading for salaries and expenses of such Commission: Provided, That any transfer pursuant to this section shall be subject to the notification procedures set forth in section 730 of such Act with respect to a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with such procedures.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 809. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

(1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;

(4) improvement in basic District services, including rat control and abatement; and

(5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 810. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 811. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 812. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 813. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 814. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 815. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 816. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended—

(1) in the title, by striking ''BIENNIAL'';

(2) in subsection (a), by striking ''Biennial management'' and inserting ''Management'';

(3) in subsection (a), by striking ''States.'' and inserting ''States every five years.''; and

(4) in subsection (b)(6), by striking ''2'' and inserting ''5''.

SEC. 817. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2012''.

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,159,000: Provided, That not to exceed $51,000 shall be for official reception and representation expenses, of which $17,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That of the total amount made available under this heading, $1,800,000 shall remain available until March 30, 2012, for the Office of Counternarcotics Enforcement, of which up to $1,800,000 may, notwithstanding section 503 of this Act, be transferred to the Office of Policy: Provided further, That amounts transferred pursuant to the preceding proviso shall remain available until September 30, 2012: Provided further, That the Assistant Secretary for Policy shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than March 30, 2012, an expenditure plan for the Office of Policy which includes a detailed description of any funds transferred to the Office for counternarcotics enforcement and activities related to risk management and analysis: Provided further, That $30,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan for implementation of the biometric air exit system, as mandated in Public Law 110–53, including the estimated costs of implementation.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $235,587,000, of which not to exceed $2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,000,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $14,172,000 shall remain available until September 30, 2014, for the Human Resources Information Technology program: Provided further, That the Under Secretary for Management shall, pursuant to the requirements contained in the joint statement of managers accompanying this Act, provide to the Committees on Appropriations of the Senate and the House of Representatives a Comprehensive Acquisition Status Report with the President's budget for fiscal year 2013 as submitted under section 1105(a) of title 31, United States Code, and quarterly updates to such report not later than 30 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $50,860,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $257,300,000; of which $105,500,000 shall be available for salaries and expenses; and of which $151,800,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each of fiscal years 2012 through 2015, for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $338,068,000; of which not to exceed $4,250 shall be for official reception and representation expenses; and of which $141,521,000 shall remain available until September 30, 2013.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $117,000,000, of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,680,118,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $38,250 shall be for official reception and representation expenses; of which not less than $287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, with the congressional budget justification, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year and the 3 subsequent fiscal years, for inspection and detection technology supporting operations under this heading, including all non-intrusive inspection and radiation detection technology, that provides—

(1) the funding level for all inspection and detection technology equipment by source;

(2) the inventory of inspection and detection technology equipment by type and age;

(3) the proposed appropriations for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance;

(4) projected funding levels for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance for each of the 3 subsequent fiscal years; and

(5) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology; and

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $334,275,000, to remain available until September 30, 2014, of which not less than $140,000,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $25,000,000 may not be obligated for the Automated Commercial Environment program until the Commissioner of U.S. Customs and Border Protection submits to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $400,000,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed plan for expenditure, prepared by the Commissioner of U.S. Customs and Border Protection, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next 3 fiscal years, including a description of the purpose of such funds;

(2) the deployment plan, by border segment, that aligns each deployment to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements related to achieving operational control, and explaining how each tactical infrastructure or technology deployment will address such known capability gaps; and

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

(B) includes a phase-out and life-cycle recapitalization schedule delineated by fiscal year for existing and new tactical infrastructure and technology deployments that each deployment is intended to replace or recapitalize; and

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support

to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $503,966,000, to remain available until September 30, 2014: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the 5-year strategic plan for the air and marine program directed in conference report 109–241 accompanying Public Law 109–90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $236,596,000, to remain available until September 30, 2016: Provided, That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,528,874,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $12,750 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $189,064,000 shall remain available until September 30, 2013: Provided further, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: Provided further, That of the total amount provided, not less than $2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $21,710,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,253,956,000, to remain available until September 30, 2013, of which not to exceed $8,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,167,631,000 shall be for screening operations, of which $543,103,000 shall be available for explosives detection systems; $204,768,000 shall be for checkpoint support; and not to exceed $1,086,325,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $222,738,000 shall be available for the purchase and installation of these systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,223,956,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2013: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: Provided further, That the preceding proviso shall not apply to personnel hired as part-time employees: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $134,748,000, to remain available until September 30, 2013.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $163,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,031,926,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Administrator of the Transportation Security Administration submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2012: Provided further, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $966,115,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,051,054,000, of which $598,000,000 shall be for defense-related activities, of which $258,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $17,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a revised future-years capital investment plan for fiscal years 2013 through 2017, as specified under the heading Coast Guard ''Acquisition, Construction, and Improvements'' of this Act is submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,500,000, to remain available until September 30, 2016.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; $134,278,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment; as authorized by law; $1,403,924,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $20,000,000 shall remain available until September 30, 2016, for military family housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which $642,000,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which $289,900,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which $161,140,000 shall be available until September 30, 2016, for other acquisition programs; of which $180,692,000 shall be available until September 30, 2016, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which $110,192,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the sixth National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $27,779,000, to remain available until September 30, 2016, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,661,237,000, of which not to exceed $21,250 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2013: Provided further, That up to $19,307,000 for National Special Security Events shall remain available until September 30, 2013: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $43,843,000, to remain available until September 30, 2014, is for information integration and technology transformation: Provided further, That $20,000,000 made available in the preceding proviso shall not be obligated to purchase or install information technology equipment until the Department of Homeland Security Chief Information Officer submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $5,380,000, to remain available until September 30, 2016.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $50,695,000: Provided, That not to exceed $4,250 shall be for official reception and representation expenses: Provided further, That, subject to section 503 of this Act, the Secretary of Homeland Security may transfer up to $4,241,000 to the Office of Policy under the heading Departmental Management and Operations ''Office of the Secretary and Executive Management'' for activities related to risk management and analysis: Provided further, That in the preceding proviso notification shall take place not later than 90 days after the date of enactment of this Act: Provided further, That any funds not transferred pursuant to the penultimate proviso shall be available solely to close out the Office of Risk Management and Analysis not later than September 30, 2012, and shall not be available for further transfer or reprogramming pursuant to section 503 of this Act.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $888,243,000, of which $200,000,000 shall remain available until September 30, 2013: Provided, That the Under Secretary for the National Protection and Programs Directorate shall submit a plan for expenditure for the National Cyber Security Division and the Office of Infrastructure Protection, to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives not later than December 31, 2011, that the operations of the Federal Protective Service will be fully funded in fiscal year 2012 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff''): Provided further, That an expenditure plan for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: Provided further, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2013 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $306,802,000, of which $9,400,000 is for development of a comprehensive plan for implementation of biometric air exit and improvements to biographic entry-exit capabilities: Provided, That of the total amount made available under this heading, $194,295,000 is to remain available until September 30, 2014: Provided further, That of the total amount provided, $50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year, and the following 3 fiscal years, for the United States Visitor and Immigrant Status Indicator Technology program that includes—

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $167,449,000; of which $29,671,000 is for salaries and expenses and $90,164,000 is for BioWatch operations: Provided, That $47,614,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: Provided further, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That the Assistant Secretary for the Office of Health Affairs shall submit an expenditure plan for fiscal year 2012 to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, $895,350,000, including activities authorized by the National Flood

Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That the Administrator of the Federal Emergency Management Agency may reprogram funds made available under this heading between programs, projects, and activities prior to April 16, 2012, notwithstanding section 503 of this Act: Provided further, That $1,400,000 of the funds available for the Office of the Administrator of the Federal Emergency Management Agency shall not be available for obligation until the Administrator of the Federal Emergency Management Agency submits to the Committees on Appropriations of the Senate and the House of Representatives the National Preparedness Report required by Public Law 109–295 and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities in fiscal year 2012: Provided further, That for purposes of planning, coordination, execution, and decision making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107–296): Provided further, That of the total amount made available under this heading, $41,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; $5,493,000 shall be for the Office of National Capital Region Coordination; not to exceed $12,000,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center; and not less than $13,662,000 shall be for expenses related to modernization of automated systems: Provided further, That the Administrator of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security Chief Information Officer, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan, not later than 180 days after the date of enactment of this Act, for the funds specified in the preceding proviso related to modernization of automated systems, that includes—

(1) a comprehensive plan to automate and modernize information systems to resolve current inefficiencies, integrate data, and aid in better performance of executing the Agency-wide mission;

(2) a description of the appropriations for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed and underway covering a period of no less than 3 years;

(4) a detailed accounting of operations and maintenance and contractor services costs; and

(5) the current or planned acquisition programs including—

(A) how the programs align to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address a known capability gap;

(B) how programs provide quantifiable information that aids in understanding national emergency management capabilities;

(C) how programs ensure information sharing among homeland security partners; and

(D) life-cycle costs for all acquisitions.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $1,349,681,000, which shall be distributed, according to threat, vulnerability, and consequence, at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program.

(5) Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163), including Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with 46 U.S.C. 70107.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(10) Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c).

(11) Buffer Zone Protection Program Grants.

(12) Organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack:

Provided, That of the amount provided under this heading, $50,000,000 shall be for Operation Stonegarden and no less than $100,000,000 shall be for areas at the highest threat of a terrorist attack: Provided further, That $231,681,000 shall be for training, exercises, technical assistance, and other programs, of which $155,500,000 shall be for training of State, local, and tribal emergency response providers: Provided further, That for grants under paragraphs (1) through (12), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That 6.8 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Salaries and Expenses'' account for program administration: Provided further, That for grants under paragraphs (1) and (2), the installation of communication towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2012: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency in existing chemical, biological, radiological, nuclear, explosives, mass casualty, and medical surge courses pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $675,000,000, to remain available until September 30, 2013, of which $337,500,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $337,500,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and

the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $44,038,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $700,000,000, to remain available until expended, of which $24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: Provided, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the matter under this heading in title III of division E of Public Law 110–161 is amended by striking the fourth proviso: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities;

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99–177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month beginning with the first full month after the date of enactment of this Act:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event; and

(D) the date on which funds appropriated will be exhausted.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $97,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2013: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

(1) $132,000,000 for operating expenses;

(2) $1,007,571,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $60,000,000, which shall remain available until expended for flood mitigation actions; of which not less than $10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which $40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $35,500,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed $3,000,000 of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $102,424,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,957,000; of which up to $48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $10,200 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That

section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 111–83 (123 Stat. 2166), is further amended by striking ''December 31, 2012'' and inserting ''December 31, 2014'': Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $32,456,000, to remain available until September 30, 2016: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $135,000,000: Provided, That not to exceed $8,500 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, $533,000,000, of which $356,500,000, to remain available until September 30, 2014; and of which $176,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $38,000,000: Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall:

(1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2012, and planned for fiscal year 2013, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2012 and 2013.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $215,000,000, to remain available until September 30, 2014.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $37,000,000, to remain available until September 30, 2014.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or

(3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds or a task or delivery order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated; or

(3) announce publicly the intention to make or award items under paragraph (1) or (2), including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'', and ''Transportation Security Support'' for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2011'' and inserting ''2012''.

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the ''Office of the Secretary and Executive Management'', the ''Office of the Under Secretary for Management'', or the ''Office of the Chief Financial Officer'', may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

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

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: Provided, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) The responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of subsection 509(c) and subsections 503(c)(3) and (c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) Not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate; and

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 522. None of the funds made available in this or any other Act for fiscal years 2012 and thereafter may be used to enforce section 4025(1) of Public Law 108–458 unless the Administrator of the Transportation Security Administration reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 523. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast

Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 525. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 526. None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 527. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2011,'' and inserting ''Until September 30, 2012,'';

(2) by striking subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this section), by striking ''September 30, 2011,'' and inserting ''September 30, 2012,''.

SEC. 528. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 529. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 48 hours of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 530. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 531. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 532. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 533. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 534. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1 (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 535. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 536. If the Administrator of the Transportation Security Administration determines that an airport does not need to participate in the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Administrator shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 537. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 538. (a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 539. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 540. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), is further amended by striking ''on October 4, 2011'' and inserting ''on October 4, 2012''.

SEC. 541. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 542. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 543. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 544. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 545. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,''; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the ''Administrator'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 546. For fiscal year 2012 and thereafter, for purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), a rural area

shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 547. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 548. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Administrator shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Administrator certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 549. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 550. (a) None of the funds made available in this Act may be obligated for construction of the National Bio- and Agro-defense Facility until the Department of Homeland Security—

(1) completes 50 percent of design planning for the National Bio- and Agro-defense Facility;

(2) submits to the Committees on Appropriations of the Senate and the House of Representatives a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment; and

(3) submits to the Committees on Appropriations of the Senate and the House of Representatives the results of the National Academy of Sciences' review of the risk assessment as described in subsection (c).

(b) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (a) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(c) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (a). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 551. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, $10,000,000 shall be available to United States Citizenship and Immigration Services in fiscal year 2012 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 552. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, $7,500,000, to remain available until September 30, 2013.

SEC. 553. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

SEC. 554. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 555. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 556. (a) For an additional amount for data center migration, $70,000,000.

(b) Funds made available in subsection (a) for data center migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 557. For fiscal year 2012 and thereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: Provided, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are to be deposited into a separate account entitled ''Advanced Training Center Revolving Fund'', and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 558. Section 559(e) of Public Law 111–83 is amended—

(a) in the matter preceding the first proviso, by striking ''law, sell'' and inserting ''law, hereafter sell''; and

(b) in the first proviso—

(1) by striking ''shall be deposited'' and inserting ''shall hereafter be deposited''; and

(2) by striking ''subject to appropriation,'' and inserting ''without further appropriations,''.

SEC. 559. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 560. For an additional amount for the ''Office of the Under Secretary for Management'', $55,979,000, to remain available until expended, for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of department headquarters at St. Elizabeths and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 561. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

SEC. 562. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in

making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the hiring, rehiring, or retention of firefighters.

SEC. 563. For fiscal year 2012 and thereafter, notwithstanding section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event that a spill of national significance occurs, any payment of amounts from the Oil Spill Liability Trust Fund pursuant to section 1012(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs incurred by the Coast Guard for such spill, shall be credited directly to the accounts of the Coast Guard current at the time such removal costs were incurred or when reimbursement is received: Provided, That such amounts shall be merged with and, without further appropriations, made available for the same time period and the same purpose as the appropriation to which it is credited.

SEC. 564. (a) CIVIL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(2) by inserting '', or section 46314(a)'' after ''44909)''.

(b) CRIMINAL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46314(b)(2) of title 49, United States Code, is amended by inserting ''with intent to evade security procedures or restrictions or'' after ''of this section''.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) NOTICE OF PENALTIES.—

''(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under section 46301(a)(5)(A)(i) and subsection (b) of this section are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

''(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).''.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the ''Disaster Assistance Recoupment Fairness Act of 2011''.

(b) DEBTS SINCE 2005.—

(1) DEFINITION.—In this section, the term ''covered assistance'' means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.

(2) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(A) subject to subparagraph (B) and paragraph (3), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) PRESUMPTION OF REPAYMENT.—In determining whether to waive a debt under paragraph (2), the Administrator of the Federal Emergency Management Agency shall presume that, if the adjusted gross income (as defined under section 62 of the Internal Revenue Code of 1986) of the household of the debtor for the last taxable year ending in or with the calendar year preceding the date on which the income is determined exceeds $90,000, the debtor should be required to make at least a partial payment on the debt.

(4) REPORTING.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date that is 18 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the cost-effectiveness of the efforts of the Federal Emergency Management Agency to recoup improper payments under the Individuals and Household Program under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 566. (a) Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and subject to subsection (b), recipients of Small Business Administration Disaster loans for disaster-related damage to their homes may be eligible for reimbursement at the discretion of the state, under Section 404 of that Act, for documented and eligible mitigation work performed on their home.

(b) LIMITATIONS.—

(1) Any reimbursement provided to or on behalf of a homeowner pursuant to subsection (a) shall not exceed the amount of the disaster loan that may be used and was used for disaster mitigation activities; and

(2) Subsection (a) shall only apply if the disaster loan and assistance provided under section 404 were made available in response to the same disaster declaration.

(3) Shall be applicable only to disasters declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on August 28, 2006.

(c) If a state chooses to use funds under section 404 to reimburse homeowners as provided in subsection (a), it shall make payments in the following order:

(1) First, to the Small Business Administration on behalf of the eligible homeowner for the purpose of reducing, but not below zero, the homeowner's outstanding debt obligation to the Small Business Administration for the disaster loan; and

(2) Second, any remaining reimbursement shall be paid directly to the homeowner.

SEC. 567. None of the funds made available under this Act or any prior appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 568. The Commissioner of U.S. Customs and Border Protection and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement each shall submit to the Committees on Appropriations of the Senate and the House of Representatives with the congressional budget justification, a multi-year investment and management plan, to include each year starting with the current fiscal year and the 3 subsequent fiscal years, for their respective Offices of Information Technology to include for that office—

(1) the funding level by source for all funds to be executed;

(2) the funding included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in the current fiscal year or underway; and

(4) a detailed accounting of operation and maintenance costs.

SEC. 569. The Secretary of Homeland Security shall ensure enforcement of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

(RESCISSIONS)

SEC. 570. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $2,577,000 from Coast Guard ''Acquisition, Construction, and Improvements'';

(2) $5,355,296 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses'';

(3) $99,012 from U.S. Immigration and Customs Enforcement ''Violent Crime Reduction Programs'';

(4) $3,332,541 from U.S. Customs and Border Protection ''Salaries and Expenses'';

(5) $3,121,248 from Department of Homeland Security ''Office for Domestic Preparedness'';

(6) $678,213 from Federal Emergency Management Agency ''National Predisaster Mitigation Fund'';

(7) $5,201,000 from ''Working Capital Fund'';

(8) $95,998 from ''Counterterrorism Fund'';

(9) $41,091 from U.S. Customs and Border Protection ''Violent Crime Reduction Fund''; and

(10) $153,095 from U.S. Immigration and Customs Enforcement ''Violent Crime Reduction Trust Fund''.

(RESCISSIONS)

SEC. 571. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 147) are rescinded:

(1) $178,783 from ''Analysis and Operations'';

(2) $1,619,907 from U.S. Customs and Border Protection ''Salaries and Expenses'';

(3) $296,022 from Transportation Security Administration ''Federal Air Marshals'';

(4) $37,800,412 from Coast Guard ''Operating Expenses'';

(5) $879,153 from Coast Guard ''Acquisition, Construction, and Improvements'';

(6) $1,104,347 from United States Secret Service ''Salaries and Expenses'';

(7) $97,046 from National Protection and Programs Directorate ''Management and Administration'';

(8) $78,764 from National Protection and Programs Directorate ''Infrastructure Protection and Information Security'';

(9) $117,133 from Office of Health Affairs ''Salaries and Expenses'';

(10) $1,301,581 from ''United States Citizenship and Immigration Services'';

(11) $369,032 from Federal Law Enforcement Training Center ''Salaries and Expenses'';

(12) $279,098 from Science and Technology ''Management and Administration'';

(13) $1,072,938 from Domestic Nuclear Detection Office ''Management and Administration''; and

(14) $216,744 from Federal Emergency Management Agency ''Management and Administration''.

(RESCISSIONS)

SEC. 572. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $10,000,000 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses'';

(2) $10,000,000 from U.S. Immigration and Customs Enforcement ''Automation Modernization'';

(3) $5,000,000 from U.S. Customs and Border Protection ''Automation Modernization'': Provided, That no funds shall be rescinded from prior year appropriations provided for the TECS modernization program;

(4) $71,300,000 from Transportation Security Administration ''Aviation Security'' account 70x0550;

(5) $7,000,000 from U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'';

(6) $2,427,336 from Coast Guard ''Acquisition, Construction, and Improvements'';

(7) $5,000,000 from the ''Office of the Chief Information Officer'' related to Emerge2; and

(8) $27,400,000 from National Protection and Programs Directorate ''United States Visitor and Immigrant Indicator Technology''.

SEC. 573. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) are each amended by striking ''September 30, 2011'' and inserting ''the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012''.

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2012''.

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $961,900,000, to remain available until expended; of which $3,000,000 shall be available in fiscal year 2012 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.

In addition, $32,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2012 so as to result in a final appropriation estimated at not more than $961,900,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,576,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $22,380,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $112,043,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,228,142,000, to remain available until September 30, 2013 except as otherwise provided herein: Provided, That not to exceed $20,902,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $7,472,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2010; of which not to exceed $1,500,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed $1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act,

as amended, for species that are not indigenous to the United States: Provided further, That, in fiscal year 2012 and hereafter of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That in fiscal year 2012 and hereafter, of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $23,088,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $54,720,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $5,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $160,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), $47,757,000, to remain available until expended, of which $22,757,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which $25,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,980,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401 et seq.), $35,554,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $3,792,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $9,481,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $61,421,000, to remain available until expended: Provided, That of the amount provided herein, $4,275,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,741,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $10,016,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2012 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2013, shall be reapportioned, together with funds appropriated in 2014, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,240,152,000, of which $9,832,000 for planning and interagency coordination in support of Everglades restoration and $97,883,000 for maintenance, repair, or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2013.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $59,975,000: Provided, That section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2011'' and inserting ''2013''.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $56,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2013.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), $159,621,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the project to repair damage to the Washington Monument may be issued that includes the full scope of the project, so long as the solicitation and contract shall contain the clause ''availability of appropriated funds'' found in CFR section 52.232.18 of title 48.

From funds previously made available under this heading, $4,000,000 are rescinded.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2012 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $102,060,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $45,000,000 is for the State assistance program and of which $9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over

the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,069,744,000, to remain available until September 30, 2013; of which $51,569,700 shall remain available until expended for satellite operations; and of which $7,292,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $59,792,000, to remain available until September 30, 2013; and an amount not to exceed $101,082,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $101,082,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $101,082,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion or rental revenues that would have been collected by the Secretary at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $61,473,000, to remain available until September 30, 2013; and an amount not to exceed $59,081,000 to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $59,081,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $59,081,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected by the Secretary at the rental rates in effect before August 5, 1993.

For an additional amount, $62,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2012, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach $62,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That to the extent that amounts realized from such fees exceed $62,000,000, the amounts realized in excess of $62,000,000 shall be credited to this appropriation and remain available until expended: Provided further, That for fiscal year 2012, not less than 50 percent of the inspection fees collected by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,923,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $122,950,000, to remain available until September 30, 2013: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: Provided further, That, in fiscal year 2012, up to $40,000 collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $122,910,000: Provided further, That, in subsequent fiscal years, all amounts collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $27,443,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt

owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,371,532,000, to remain available until September 30, 2013 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,911,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $219,560,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2012, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $590,484,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2012, and shall remain available until September 30, 2013; and of which not to exceed $48,049,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,327,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2011 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2011, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2013, may be transferred during fiscal year 2014 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2014: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $123,828,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2012, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, and 111–11, and for implementation of other land and water rights settlements, $32,855,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $7,114,000, of which $964,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $73,365,796.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995, except that any school or school program that was closed and removed from the Bureau school system between 1951 and 1972, and its respective tribe's relationship with the Federal Government was terminated, shall be reinstated to the Bureau system and supported at a level based on its grade structure and average student enrollment for the 2009–2010, 2010–2011 and 2011–2012 school years. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to

reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law, $262,317,000, to remain available until September 30, 2013; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,712,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which $38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, That, for fiscal year 2012, up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That, notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2012 and deposit the amount deducted to miscellaneous receipts of the Treasury.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $87,997,000, of which: (1) $78,517,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,480,000 shall be available until September 30, 2013 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $66,296,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $49,471,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $152,319,000, to remain available until expended, of which not to exceed $31,171,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2012, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $566,495,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on

Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into noncompetitive sole-source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of the Interior shall obligate all unobligated balances previously made available under this heading that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That of the funds made available under this heading for wildland fire suppression in fiscal year 2011, $82,000,000 are rescinded.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, $92,000,000, to remain available until expended: Provided, That such amounts are available only for transfer to the ''Wildland Fire Management'' account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the ''Wildland Fire Management'' account will be exhausted within 30 days.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,149,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,263,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, information technology improvements of general benefit to the Department, strengthening the Department's acquisition workforce capacity and capabilities, and consolidation of facilities and operations throughout the Department, $62,019,000, to remain available until expended: Provided, That such funds shall be available for training, recruitment, retention, and hiring members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act as amended (41 U.S.C. 401 et seq.): Provided further, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House of Representatives and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation

of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2012. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

PAYMENT OF FEES

SEC. 106. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

EVERGLADES ECOSYSTEM RESTORATION

SEC. 107. This and any subsequent fiscal year, the National Park Service is authorized to implement modifications to the Tamiami Trail as described in, and in accordance with, the preferred alternative identified in the final environmental impact statement noticed in the Federal Register on December 14, 2010, (75 Fed. Reg. 77896), relating to restoration efforts of the Everglades ecosystem.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 109. (a) In fiscal year 2012, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the ''Ocean Energy Management'' account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2012 shall be:

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2012. Fees for fiscal year 2012 shall be:

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

OIL AND GAS LEASING INTERNET PROGRAM

SEC. 110. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior shall have the authority to establish an oil and gas leasing Internet program, under which the Secretary may conduct lease sales through methods other than oral bidding.

INDIAN PROBATE JUDGES

SEC. 111. Section 108 of Public Law 109–54 (the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006) is amended by striking ''in fiscal years 2006 through 2010, for the purpose of reducing the backlog of'' and inserting ''for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating''.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 112. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may establish accounts and transfer funds among and between the offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the report accompanying this Act.

AUTHORIZED USE OF INDIAN EDUCATION FUNDS

SEC. 113. Beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to the Bureau of Indian Education for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 114. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5-year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

(b) During fiscal year 2012 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

SEC. 115. (a)(1) Notwithstanding any other provision of law or Federal regulation, including section 586(c) of title 40, United States Code, the Director of the BIE, or the Director's designee, is authorized to enter into agreements with public and private persons and entities that provide for such persons and entities to rent or lease the land or facilities of a Bureau-operated school for such periods of time as the school is Bureau operated, in exchange for a consideration (in the form of funds) that benefits the school, as determined by the head of the school.

(2) Funds received under paragraph (1) shall be retained by the school and used for school purposes otherwise authorized by law. Any funds received under paragraph (1) are hereby made available until expended for such purposes, notwithstanding section 3302 of title 31, United States Code.

(3) Nothing in this section shall be construed to allow for the diminishment of, or otherwise affect, the appropriation of funds to the budget accounts for the operation and maintenance of Bureau-operated schools. No funds shall be withheld from the distribution to the budget of any Bureau-operated school due to the receipt by the school of a benefit in accordance with this section.

(b) Notwithstanding any provision of title 5, United States Code, or any regulation promulgated under such title, education personnel who are under the direction and supervision of the Secretary of the Interior may participate in a fundraising activity for the benefit of a Bureau-operated school in an official capacity as part of their official duties. When participating in such an official capacity, the employee may use the employee's official title, position, and authority. Nothing in this subsection shall be construed to authorize participation in political activity (as such term is used in section 7324 of title 5, United States Code) otherwise prohibited by law.

(c) The Secretary of the Interior shall promulgate regulations to carry out this section not later than 16 months after the date of the enactment of this Act. Such regulations shall include—

(1) standards for the appropriate use of Bureau-operated school lands and facilities by third parties under a rental or lease agreement;

(2) provisions for the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a school in accordance with this section (including, in appropriate cases, the establishment and administration of trust funds);

(3) accountability standards to ensure ethical conduct; and

(4) provisions for monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

(d) Provisions of this section shall apply to fiscal years 2012 through 2014.

AUTHORIZED USE OF FUNDS

SEC. 116. Section 3006 of Public Law 111–212 is amended by striking ''For fiscal years 2010 and 2011'' and inserting ''For fiscal years 2010 through 2012''.

MASS MARKING OF SALMONIDS

SEC. 117. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of

salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

PROHIBITION ON USE OF FUNDS

SEC. 118. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

YUKON-CHARLEY NATIONAL PRESERVE

SEC. 119. None of the funds made available by this Act may be used by the Secretary of the Interior to implement or enforce regulations concerning boating within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States, pursuant to section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) or any other authority. This section does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within the Yukon-Charley National Preserve.

REPUBLIC OF PALAU

SEC. 120. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2012 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the ''Compact'').

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2012 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

HIRING AUTHORITIES

SEC. 121. (a) DIRECT HIRE AUTHORITY.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in paragraph (1) directly to a position with a land managing agency of the Department of the Interior for which the candidate meets Office of Personnel Management qualification standards.

(2) Paragraph (1) applies with respect to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(A) completed a rigorous undergraduate or graduate summer internship with a land managing agency, such as the National Park Service Business Plan Internship;

(B) successfully fulfilled the requirements of the internship program; and

(C) subsequently earned an undergraduate or graduate degree from an accredited institution of higher education.

(3) The direct hire authority under this subsection may not be exercised with respect to a specific qualified candidate after the end of the two-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be.

(b) LOCAL HIRE AUTHORITY.—Section 1308 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3198) is amended—

(1) in subsection (a), by striking ''establish a program'' and inserting ''establish an excepted service appointment authority,'';

(2) in subsection (b), by striking ''competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position'' and inserting ''excepted service as defined in section 2103 of such title'';

(3) in subsection (e), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph (2):

''(2) CONVERSION TO COMPETITIVE SERVICE.—Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.''.

(c) GULF OF MEXICO REGION.—For fiscal years 2012 and 2013, funds made available in this title for the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior in the Gulf of Mexico Region in the Geophysicist (GS–1313), Geologist (GS–1350), and Petroleum Engineer (GS–0881) job series at grades 5 through 15 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with the subsections (e) through (h) of section 5305 of title 5, United States Code.

BUREAU OF LAND MANAGEMENT ACTIONS REGARDING GRAZING ON PUBLIC LANDS

SEC. 122. (a) EXHAUSTION OF ADMINISTRATIVE REVIEW REQUIRED.—

(1) For fiscal years 2012 and 2013 only, a person may bring a civil action challenging a decision of the Bureau of Land Management concerning grazing on public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))) in a Federal district court only if the person has exhausted the administrative hearings and appeals procedures established by the Department of the Interior, including having filed a timely appeal and a request for stay.

(2) An issue may be considered in the judicial review of a decision referred to in paragraph (1) only if the issue was raised in the administrative review process described in such paragraph.

(3) An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the agency failed or was unable to make information timely available during the administrative review process for issues of material fact. For the purposes of this paragraph, the term ''timely'' means within 120 calendar days after the date that the challenge to the agency action or amendment at issue is received for administrative review.

(b) ACCEPTANCE OF DONATION OF CERTAIN EXISTING PERMITS OR LEASES.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior shall accept the donation of any valid existing permits or leases authorizing grazing on public lands within the California Desert Conservation Area. With respect to each permit or lease donated under this paragraph, the Secretary shall terminate the grazing permit or lease, ensure a permanent end (except as provided in paragraph (2)), to grazing on the land covered by the permit or lease, and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, section 10(a)(1)(B) permit, or section 7 consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) If the land covered by a permit or lease donated under paragraph (1) is also covered by another valid existing permit or lease that is not donated under such paragraph, the Secretary of the Interior shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under paragraph (1). To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under paragraph (1), the Secretary shall not allow grazing use to exceed the authorized level under the remaining valid existing permit or lease that is not donated.

TRAILING LIVESTOCK OVER PUBLIC LAND

SEC. 123. During fiscal years 2012 through 2013 only, the Bureau of Land Management may, at its sole discretion, review planning and implementation decisions regarding the trailing of livestock across public lands, including, but not limited to, issuance of crossing or trailing authorizations or permits, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Temporary trailing or crossing authorizations across public lands shall not be subject to protest and/or appeal under subpart E of part 4 of title 43, Code of Federal Regulations, and subpart 4160 of part 4100 of such title.

LEASE AUTHORIZATION

SEC. 124. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the ''Monument'') at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be

subject to section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

WILD LANDS FUNDING PROHIBITION

SEC. 125. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: Provided, That nothing in this section shall restrict the Secretary's authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $795,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $19,000 for official reception and representation expenses, $2,682,514,000, to remain available until September 30, 2013: Provided, That of the funds included under this heading, not less than $410,375,000 shall be for Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,000,000, to remain available until September 30, 2013.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $36,428,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,215,753,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2011, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,215,753,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,955,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2013, and $23,016,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2013.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $104,309,000, to remain available until expended, of which $73,809,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $30,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,274,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,618,727,000, to remain available until expended, of which $1,468,806,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $919,363,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That for fiscal year 2012, to the extent there are sufficient eligible project applications, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2012, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $5,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $95,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $30,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,090,558,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,396,000 shall be for carrying out section 128 of CERCLA, as amended, $9,980,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,463,000 of the funds available for grants under section 106 of the Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $1,550,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2012 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2012, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2012, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2012, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2012, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and

not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That for fiscal year 2012 and hereafter, the Administrator may transfer funds provided for tribal set-asides through funds appropriated for the Clean Water State Revolving Funds and for the Drinking Water State Revolving Funds between those accounts in such manner as the Administrator deems appropriate, but not to exceed the transfer limits given to States under section 302(a) of Public Law 104–182.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2012, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances available to the Administrator of the Environmental Protection Agency, $50,000,000 are permanently rescinded: Provided, That of these funds, $5,000,000 shall be rescinded from unobligated balances within the ''Hazardous Substance Superfund'' account; $5,000,000 shall be rescinded from unobligated Brownfields balances within the ''State and Tribal Assistance Grants'' account; $5,000,000 shall be rescinded from unobligated Mexico Border balances within the ''State and Tribal Assistance Grants'' account; $5,000,000 shall be rescinded from unobligated Diesel Emissions Reduction Act balances within the ''State and Tribal Assistance Grants'' account; $20,000,000 shall be rescinded from unobligated categorical grant balances within the ''State and Tribal Assistance Grants'' account; and $10,000,000 shall be rescinded from unobligated Clean Water State Revolving Funds balances within the ''State and Tribal Assistance Grants'' account: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

Notwithstanding section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604), the Administrator may authorize the expenditure or transfer of up to $10,000,000 from any appropriation in this title, in addition to the amounts included in the ''Inland Oil Spill Programs'' account, for removal activities related to actual oil spills 5 days after notifying the House and Senate Committees on Appropriations of the intention to expend or transfer such funds: Provided, That no funds shall be expended or transferred under this authority until the Administrator determines that amounts made available for expenditure in the ''Inland Oil Spill Programs'' account will be exhausted within 30 days: Provided further, That such funds shall be replenished to the appropriation that was the source of the expenditure or transfer, following EPA's receipt of reimbursement from the Oil Spill Liability Trust Fund pursuant to the Oil Pollution Act of 1990.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $295,773,000, to remain available until expended: Provided, That of the funds provided, $64,372,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $253,331,000, to remain available until expended, as authorized by law; of which $53,388,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,556,628,000, to remain available until expended: Provided, That of the funds provided, $336,049,000 shall be for forest products: Provided further, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That of the funds provided, up to $68,000,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: Provided further, That of the funds provided for forest products, up to $44,585,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $394,721,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning (including decommissioning unauthorized roads not part of the transportation system), and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $45,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: Provided further, That funds becoming available in fiscal year 2012 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That of the funds provided for decommissioning of roads, up to $13,000,000 may be transferred to the ''National Forest System'' to support the Integrated Resource Restoration pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $52,605,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $955,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December

4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 460l–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,577,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,737,631,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $7,262,000 of funds appropriated under this appropriation shall be available for the Forest Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $317,584,000 is for hazardous fuels reduction activities, $21,734,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $55,564,000 is for State fire assistance, $6,366,000 is for volunteer fire assistance, $15,983,000 is for forest health activities on Federal lands and $8,366,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a community wildfire protection plan (or equivalent) and benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the ''State and Private Forestry'' appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000 may be used to make grants, using any authorities available to the Forest Service under the ''State and Private Forestry'' appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: Provided further, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of Agriculture shall obligate all unobligated balances previously made available under this heading (including the unobligated balances transferred to Forest Service accounts under this heading by division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329, 122 Stat. 3594)) that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That funds designated for wildfire suppression, including funds transferred from the ''FLAME Wildfire Suppression Reserve Fund'', shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: Provided further, That of the funds for hazardous fuels reduction, up to $21,000,000 may be transferred to the ''National Forest System'' to support the Integrated Resource Restoration pilot program.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, $315,886,000, to remain available until expended: Provided, That such amounts are available only for transfer to the ''Wildland Fire Management'' account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the ''Wildland Fire Management'' account will be exhausted within 30 days.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''FLAME Wildfire Suppression Reserve Fund'' will be obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center. Nothing in this paragraph shall limit the Forest Service portion of implementation costs to be paid to the Department of Agriculture for the Financial Management Modernization Initiative.

Of the funds available to the Forest Service up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103–82, as amended by Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,872,377,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $844,927,000 for contract medical care, including $51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funding provided for information technology activities and, notwithstanding any other provision of law, $4,000,000 shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): Provided further, That notwithstanding any other provision of law, the amounts made available within this account for the methamphetamine and suicide prevention and treatment initiative and for the domestic violence prevention initiative shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $472,193,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, of which not to exceed $10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $441,052,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a

Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,054,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,337,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(I) of CERCLA during fiscal year 2012, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,153,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,147,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,750,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,533,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $636,530,000, to remain available until September 30, 2013, except as otherwise provided herein; of which not to exceed $20,137,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance

payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $175,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109, and of which $75,000,000 shall be to complete design and begin construction of the National Museum of African American History and Culture: Provided, That during fiscal year 2012 and any succeeding fiscal year, a single procurement for construction of the National Museum of African American History and Culture, as authorized under section 8 of the National Museum of African American History and Culture Act (20 U.S.C. 80r–6), may be issued that includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $114,066,000, of which not to exceed $3,481,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $14,516,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $23,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $13,650,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $11,005,000, to remain available until September 30, 2013.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,255,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,255,000, to remain available until expended, of which $135,500,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $10,755,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $8,370,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under Chapter 91 of title 40, United States Code, $2,400,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $2,000,000.

ADMINISTRATIVE PROVISION

The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a) is amended—

(1) by deleting the last sentence in the second paragraph and replacing it with the following: ''Each eligible organization must have its principal place of business in the District of Columbia and in a facility or facilities located in the District of Columbia.''; and

(2) In the third paragraph, by deleting ''in addition to those herein named'' at the end of the sentence.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $6,108,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,154,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $50,798,000, of which $515,000 shall remain available until September 30, 2014, for the Museum's equipment replacement program; and of which $1,900,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $12,000,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $30,990,000, to remain available until expended: Provided, That beginning in fiscal year 2012 and thereafter, any procurement for the construction of the permanent memorial to Dwight D. Eisenhower, as authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79), as amended by section 8120 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117), may be issued which includes the full scope of the project: Provided further, That the solicitation and contract with respect to the procurement shall contain the

''availability of funds'' clause described in section 52.232.18 of title 48, Code of Federal Regulations: Provided further, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2011.

MINING APPLICATIONS

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2013, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, 111–8, 111–88, and 112–10 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2011 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

AMENDMENTS TO THE TEMPORARY EMERGENCY WILDFIRE SUPPRESSION ACT

SEC. 411. The Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m et seq.) is amended—

(1) in the first section (42 U.S.C. 1856m note)—

(A) by striking ''That this'' and inserting the following:

"SECTION 1. SHORT TITLE.

''This''; and

(B) by striking ''Temporary'';

(2) by striking section 2 (42 U.S.C. 1856m) and inserting the following:

"SEC. 2. DEFINITIONS.

''In this Act:

''(1) ASSUME ANY AND ALL LIABILITY.—The term 'assume any and all liability' means—

''(A) the payment of—

''(i) any judgment, settlement, fine, penalty, or cost assessment (including prevailing party legal fees) associated with the applicable litigation; and

''(ii) any cost incurred in handling the applicable litigation (including legal fees); and

''(B) with respect to a Federal firefighter, arranging for, and paying the costs of, representation in the applicable litigation.

''(2) FEDERAL FIREFIGHTER.—The term 'Federal firefighter' means an individual furnished by the Secretary of Agriculture or the Secretary of the Interior under an agreement entered into under section 3.

''(3) FOREIGN FIRE ORGANIZATION.—The term 'foreign fire organization' means any foreign governmental, public, or private entity that has wildfire protection resources.

''(4) FOREIGN FIREFIGHTER.—The term 'foreign firefighter' means an individual furnished by a foreign fire organization under an agreement entered into under section 3.

''(5) WILDFIRE.—The term 'wildfire' means any forest or range fire.

''(6) WILDFIRE PROTECTION RESOURCES.—The term 'wildfire protection resources' means any personnel, supplies, equipment, or other resources required for wildfire presuppression and suppression activities.'';

(3) in section 3 (42 U.S.C. 1856n)—

(A) in subsection (a)—

(i) by striking ''(a)(1) The Secretary of Agriculture'' and inserting the following:

''(a) EXCHANGE OF WILDFIRE PROTECTION RESOURCES UNDER A RECIPROCAL AGREEMENT WITH A FOREIGN FIRE ORGANIZATION.—

''(1) AUTHORITY TO ENTER INTO A RECIPROCAL AGREEMENT.—The Secretary of Agriculture''; and

(ii) in paragraph (2), by striking ''(2) Any agreement'' and inserting the following:

''(2) REQUIREMENTS FOR A RECIPROCAL AGREEMENT.—Any agreement'';

(B) in subsection (b)—

(i) by striking ''(b) In the absence'' and inserting the following:

''(b) EXCHANGE OF WILDFIRE PROTECTION RESOURCES WITHOUT A RECIPROCAL AGREEMENT.—In the absence''; and

(ii) in paragraph (1), by striking ''United States, and'' and inserting ''United States; and'';

(C) in subsection (c), by striking ''(c) Notwithstanding'' and inserting the following:

''(c) REIMBURSEMENT UNDER AGREEMENTS WITH CANADA.—Notwithstanding''; and

(D) in subsection (d)—

(i) by striking, ''(d) Any service'' and inserting the following:

''(d) SERVICE PERFORMED UNDER THIS ACT BY FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Any service''; and

(ii) in the second sentence, by striking ''The'' and inserting the following:

''(2) EFFECT.—Except as provided in section 4, the'';

(4) by redesignating section 4 (42 U.S.C. 1856o) as section 5;

(5) by inserting after section 3 the following:

"SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COVERAGE.

''(a) PROTECTION FROM LIABILITY FOR FOREIGN FIREFIGHTERS AND FOREIGN FIRE ORGANIZATIONS.—Subject to subsection (b), in an agreement with a foreign fire organization entered into under section 3, the Secretary of Agriculture and the Secretary of the Interior may provide that—

''(1) a foreign firefighter shall be considered to be an employee of the United States for purposes of tort liability while the foreign firefighter is acting within the scope of an official duty under the agreement; and

''(2) any claim against the foreign fire organization or any legal organization associated with the foreign firefighter that arises out of an act or omission of the foreign firefighter in the performance of an official duty under the agreement, or that arises out of any other act, omission, or occurrence for which the foreign fire organization or legal organization associated with the foreign firefighter is legally responsible under applicable law, may be prosecuted only—

''(A) against the United States; and

''(B) as if the act or omission were the act or omission of an employee of the United States.

''(b) PROTECTION FROM LIABILITY FOR FEDERAL FIREFIGHTERS AND THE FEDERAL GOVERNMENT.—The Secretary of Agriculture and the Secretary of the Interior may provide the protections under subsection (a) if the foreign fire organization agrees—

''(1) to assume any and all liability for any legal action brought against the Federal firefighter for an act or omission of the Federal firefighter while acting within the scope of an official duty under the agreement; and

''(2) to the extent the United States or any legal organization associated with the Federal firefighter is not entitled to immunity from the jurisdiction of the courts having jurisdiction over the foreign fire organization receiving the services of the Federal firefighters, to assume any and all liability for any legal action brought against the United States or the legal organization arising out of—

''(A) an act or omission of the Federal firefighter in the performance of an official duty under the agreement; or

''(B) any other act, omission, or occurrence for which the United States or the legal organization associated with the Federal firefighter is legally responsible under the laws applicable to the foreign fire organization.''; and

(6) in section 5 (as redesignated by paragraph (4))—

(A) by striking ''under section 3(c)'' and inserting ''under this Act''; and

(B) in the proviso—

(i) by striking ''wildfire protection resources or personnel'' each place it appears and inserting ''wildfire protection resources (including personnel)'';

(ii) by inserting ''for wildfire suppression activities'' before ''unless''; and

(iii) by striking ''provide wildfire protection'' and inserting ''provide wildfire suppression''.

CONTRACTING AUTHORITIES

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, through fiscal year 2013, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, road decommissioning, trail maintenance or improvement, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624 (16 U.S.C. 6612): Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 414. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits at the Department of the Interior and the Forest Service, shall remain in effect for fiscal years 2012 and 2013. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108–108.

PROHIBITION ON NO-BID CONTRACTS

SEC. 416. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 417. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 418. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 419. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

USE OF COMPETITIVE GRANT FUNDS

SEC. 420. Section 6(d) of Public Law 96–297 (16 U.S.C. 431 note), as added by section 101 of Public Law 108–126, is amended by inserting '', except funds awarded through competitive grants,'' after ''No Federal funds''.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SEC. 421. Section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (title V of Public Law 109–54; 16 U.S.C. 580d note), as amended by section 422(1) of Public Law 111–8 (123 Stat. 748), is further amended by striking ''2011'' and inserting ''2016''.

SERVICE FIRST

SEC. 422. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), concerning Service First authorities, as amended by section 428 of Public Law 109–54 (119 Stat. 555–556) and section 418 of Public Law 111–8 (123 Stat. 747), is amended—

(1) by striking in the first sentence ''In fiscal years 2001 through 2011'', and inserting ''In fiscal year 2012 and each fiscal year thereafter''; and

(2) by striking in the first sentence ''pilot programs'' and inserting ''programs.''

FEDERAL, STATE, COOPERATIVE FOREST, RANGELAND AND WATERSHED RESTORATION IN UTAH

SEC. 423. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012), as amended, shall remain in effect until September 30, 2013.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 424. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 425. Not later than 120 days after the date on which the President's fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.

PROHIBITION ON USE OF FUNDS

SEC. 426. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

SEC. 428. Hereafter, upon issuance of final regulations, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall apply section 105(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515(a)), providing for a pre-decisional objection process, to proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and documented with a Record of Decision or Decision Notice, in lieu of subsections (c), (d), and (e) of section 322 of Public Law 102–381 (16 U.S.C. 1612 note), providing for an administrative appeal process: Provided, That if the Chief of the Forest Service determines an emergency situation exists for which immediate implementation of a proposed action is necessary, the proposed action shall not be subject to the pre-decisional objection process, and implementation shall begin immediately after the Forest Service gives notice of the final decision for the proposed action: Provided further, That this section shall not apply to an authorized hazardous fuel reduction project under title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

SILVICULTURAL ACTIVITIES

SEC. 429. From the date of enactment of this Act until September 30, 2012, the Administrator of the Environmental Protection Agency shall not require a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.

CLAIM MAINTENANCE FEE AMENDMENTS

SEC. 430. Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

(1) in subsection (a)—

(A) by striking so much as precedes the second sentence and inserting the following:

''(a) CLAIM MAINTENANCE FEE.—

''(1) LODE MINING CLAIMS, MILL SITES, AND TUNNEL SITES.—The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of $100 per claim or site, respectively.''; and

(B) by adding at the end the following:

''(2) PLACER MINING CLAIMS.—The holder of each unpatented placer mining claim located pursuant to the mining laws of the United States located before, on, or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, the claim maintenance fee described in subsection (a), for each 20 acres of the placer claim or portion thereof.''; and

(2) in subsection (b), by striking the first sentence and inserting the following: ''The claim main tenance fee under subsection (a) shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management.''.

DOMESTIC LIVESTOCK GRAZING

SEC. 431. (a) PROHIBITION REGARDING POTENTIAL DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON NATIONAL FOREST SYSTEM LAND.—Notwithstanding any other provision of law or regulation (other than the Endangered Species Act of 1973 and regulations issued under such Act), none of the funds made available by this Act or made available by any other Act for fiscal year 2012 only may be used to carry out—

(1) any new management restrictions on domestic sheep on parcels of National Forest System land (as defined in the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) with potential domestic sheep and bighorn sheep (whether native or nonnative) contact in excess of the management restrictions that existed on July 1, 2011; or

(2) any other agency regulation for managing bighorn sheep populations on any allotment of such National Forest System land if the management action will result in a reduction in the number of domestic livestock permitted to graze on the allotment or in the distribution of livestock on the allotment.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Agriculture may make such management changes as the Secretary determines to be necessary to manage bighorn sheep if the management changes—

(1) are consistent with the wildlife plans of the relevant State fish and game agency and determined in consultation with that agency; and

(2) are developed in consultation with the affected permittees.

(c) BUREAU OF LAND MANAGEMENT LANDS.—In circumstances involving conflicts between bighorn sheep and domestic sheep grazing on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the Bureau of Land Management may only modify or cancel domestic sheep grazing permits after consulting with the appropriate State fish and game agency. However, if the State in question has an approved State Wildlife Management Plan that addresses, with specificity, bighorn sheep management, then the Bureau of Land Management modification or cancellation of permits in that State shall conform to the bighorn sheep management objectives in the State Wildlife Management Plan, unless conformance would be inconsistent with Federal statute or regulation. The Bureau of Land Management shall be bound by the requirements of this subsection until September 30, 2012.

(d) VOLUNTARY CLOSURE OF ALLOTMENTS.—Nothing in this section shall be construed as limiting the voluntary closure of existing domestic sheep allotments when the closure is agreed to in writing between the permittee and the Secretary of the Interior or the Secretary of Agriculture and is carried out for the purpose of reducing conflicts between domestic sheep and bighorn sheep.

(e) WAIVER OF GRAZING PERMITS AND LEASES.—The Secretary of the Interior and the Secretary of Agriculture may accept the voluntary waiver of any valid existing lease or permit authorizing grazing on National Forest System land described in subsection (a) or public lands described in subsection (c). If the grazing permit or lease for a grazing allotment is only partially within the area of potential domestic sheep and bighorn sheep contact, the affected permittee may elect to waive only the portion of the grazing permit or lease that is within that area. The Secretary concerned shall—

(1) terminate each permit or lease waived or portion of a permit or lease waived under this subsection;

(2) ensure a permanent end to domestic sheep grazing on the land covered by the waived permit or lease or waived portion of the permit or lease unless or until there is no conflict with bighorn sheep management; and

(3) provide for the reimbursement of range improvements in compliance with section 4 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act; 43 U.S.C. 315c).

AIR EMISSIONS FROM OUTER CONTINENTAL SHELF ACTIVITIES

SEC. 432. (a) It is the purpose of this section to ensure that the energy policy of the United States focuses on the expeditious and orderly development of domestic energy resources in a manner that protects human health and the environment.

(b) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—

(1) in the first sentence, by inserting ''(other than Outer Continental Shelf sources located offshore of the North Slope Borough of the State of Alaska)'' after ''Outer Continental Shelf sources located offshore of the States along the Pacific, Arctic and Atlantic Coasts''; and

(2) in the fourth sentence, by inserting ''and this Act'' after ''regulations''.

(c) Section 328(b) of the Clean Air Act (42 U.S.C. 7627(b)) is amended in the first sentence—

(1) by striking ''Gulf Coast''; and

(2) by inserting ''or are adjacent to the North Slope Borough of the State of Alaska'' after ''Alabama''.

(d) The transfer of air quality permitting authority pursuant to this section shall not invalidate or stay—

(1) any air quality permit pending or existing as of the date of the enactment of this Act; or

(2) any proceeding related thereto.

(e)(1) The Comptroller General of the United States shall undertake a study on the process for air quality permitting in the Outer Continental Shelf.

(2) The study shall consist of a comparison of air quality permitting for Outer Continental Shelf sources (as such term is defined in section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) by the Department of the Interior with such permitting by the Environmental Protection Agency, taking into account the time elapsed between application and permit approval, the number of applications, and the experiences and assessments of the applicants.

(3) In carrying out the study, the Comptroller General shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and applicants for air quality permits.

(4) The Comptroller General shall complete the study and submit a report on the results of the study to the Congress not later than September 30, 2014.

FUNDING PROHIBITION

SEC. 433. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent and made a determination that this further action is not necessary to protect the interests of the Government.

LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 434. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with respect to which any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 435. (a) Notwithstanding any other provision of law and until October 1, 2013, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

GENERAL REDUCTION

SEC. 436. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.16 percent of the budget authority provided for fiscal year 2012 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ''Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'', the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2012, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefore to the House and Senate Committees on Appropriations.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012''.

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as ''WIA''), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (''WANTO''), including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $3,195,383,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,605,268,000 as follows:

(A) $770,922,000 for adult employment and training activities, of which $58,922,000 shall be available for the period July 1, 2012, through June 30, 2013, and of which $712,000,000 shall be available for the period October 1, 2012 through June 30, 2013;

(B) $825,914,000 for youth activities, which shall be available for the period April 1, 2012 through June 30, 2013; and

(C) $1,008,432,000 for dislocated worker employment and training activities, of which $148,432,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which $860,000,000 shall be available for the period October 1, 2012 through June 30, 2013:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 5 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs;

(2) for federally administered programs, $487,053,000 as follows:

(A) $224,112,000 for the dislocated workers assistance national reserve, of which $24,112,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which $200,000,000 shall be available for the period October 1, 2012 through June 30, 2013: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $47,652,000 for Native American programs, which shall be available for the period July 1, 2012 through June 30, 2013;

(C) $84,451,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $78,253,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,689,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $509,000 for other discretionary purposes, which shall be available for the period July 1, 2012 through June 30, 2013: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $998,000 for carrying out the WANTO, which shall be available for the period July 1, 2012 through June 30, 2013; and

(E) $79,840,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2012 through June 30, 2013; and

(F) $50,000,000 to be available to the Secretary of Labor (referred to in this title as ''Secretary'') for the Workforce Innovation Fund to carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for beneficiaries, which shall be for the period July 1, 2012 through September 30, 2013: Provided, That amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the WIA, consortia of States, or partnerships, including regional partnerships: Provided further, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds;

(3) for national activities, $103,062,000, as follows:

(A) $6,616,000, in addition to any amounts available under paragraph (2), for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2012 through June 30, 2013: Provided, That funds made available by Public Law 112–10 that were designated for grants to address the employment and training needs of young parents may be used for other pilots, demonstrations, and research activities and for implementation activities related to the VOW to Hire Heroes Act of 2011 and may be transferred to ''State Unemployment Insurance and Employment Service Operations'' to carry out such implementation activities;

(B) $80,390,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2012 through June 30, 2013, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA: Provided, That of this amount, $20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(C) $9,581,000 for Evaluation, which shall be available for the period July 1, 2012 through June 30, 2013; and

(D) $6,475,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2012 through June 30, 2013, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $1,706,171,000, plus reimbursements, as follows:

(1) $1,572,049,000 for Job Corps Operations, which shall be available for the period July 1, 2012 through June 30, 2013;

(2) $104,990,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2012 through June 30, 2015: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2013; and

(3) $29,132,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2011 through September 30, 2012:

Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as ''OAA''), $449,100,000, which shall be available for the period July 1, 2012 through June 30, 2013, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2012 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, $1,100,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2012.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $86,231,000, together with not to exceed $3,958,441,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $3,181,154,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2012, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, or reemployment and eligibility assessments and improper payments shall be available for obligation by the States through September 30, 2014, and funds used for unemployment insurance workloads experienced by the States through September 30, 2012 shall be available for Federal obligation through December 31, 2012;

(2) $11,287,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $679,531,000 from the Trust Fund, together with $22,638,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013;

(4) $20,952,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $65,517,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $50,418,000 shall be available for the Federal administration of such activities, and $15,099,000 shall be available for grants to States for the administration of such activities; and

(6) $63,593,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the WIA and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2012 is projected by the Department of Labor to exceed 4,832,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2013.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,320,000, together with not to exceed $50,040,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $183,500,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2012, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2012 shall be available for obligations for administrative expenses in excess of $476,901,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2012, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2013, for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2013, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $227,491,000.

OFFICE OF LABOR MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Management Standards, $41,367,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $105,386,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,939,000, together with $2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Worker's Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $350,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2011, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2012: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $59,488,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,253,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $26,769,000;

(3) For periodic roll management and medical review, $15,466,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $141,227,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2013, $40,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $52,147,000, to remain available until expended: Provided, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2012 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,906,000 for transfer to the Office of Workers' Compensation Programs, ''Salaries and Expenses''; not to exceed $25,217,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $327,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $565,857,000, including not to exceed $104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2012, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more

employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,729,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Mine Safety and Health Administration, $374,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; and, in addition, the Secretary may transfer from amounts provided under this heading up to $3,000,000 to ''Departmental Management'' for activities related to the Office of the Solicitor's caseload before the Federal Mine Safety and Health Review Commission; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $542,921,000, together with not to exceed $67,303,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,953,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $346,683,000, together with not to exceed $326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2012: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That $40,000,000 shall be for programs to combat exploitative child labor internationally: Provided further, That not less than $6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: Provided further, That $8,500,000 shall be used for program evaluation and shall be available for obligation through September 30, 2013: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $212,060,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2012, of which $2,444,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the WIA, $52,879,000, of which $14,622,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $19,852,000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $77,937,000, together with not to exceed $5,909,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than competitive grants for training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

SEC. 106. The Secretary shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of WIA, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act or by Public Law 112–10, either directly or through a set-aside, for technical assistance services to grantees to ''Program Administration'' when it is determined that those services will be more efficiently performed by Federal employees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of

any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to ''Departmental Management'' for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2013: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: ''Office of Job Corps'', ''State Unemployment Insurance and Employment Service Operations'', ''Employee Benefits Security Administration'', ''Office of Workers' Compensation Programs'', ''Wage and Hour Division'', ''Office of Federal Contract Compliance Programs'', ''Office of Labor Management Standards'', ''Occupational Safety and Health Administration'', ''Mine Safety and Health Administration'', and ''Veterans Employment and Training''.

SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of ''Fiduciary'' regulation (Regulatory Identification Number 1210–AB32) published by the Employee Benefits Security Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).

SEC. 110. None of the amounts made available under this Act may be used to implement the rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program'' (76 Fed. Reg. 3452 (January 19, 2011)).

SEC. 111. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column regulation (Regulatory Identification Number 1218–AC45) being developed by the Occupational Safety and Health Administration of the Department of Labor.

SEC. 112. None of the funds made available by this Act may be used to implement or enforce the proposed rule entitled ''Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors'' regulation published by the Mine Safety and Health Administration (MSHA) of the Department of Labor on October 19, 2010 (75 Fed. Reg. 64412, RIN 1219-AB64) until—

(1) the Government Accountability Office—

(A) issues, at a minimum, an interim report which—

(i) evaluates the completeness of MSHA's data collection and sampling, to include an analysis of whether such data supports current trends of the incidence of lung disease arising from occupational exposure to respirable coal mine dust across working underground coal miners; and

(ii) assesses the sufficiency of MSHA's analytical methodology; and

(B) not later than 240 days after enactment of this Act, submits the report described in subparagraph (A) to the Committees on Appropriations of the House of Representatives and the Senate; or

(2) the deadline described in paragraph (1)(B) for submission of the report has passed.

SEC. 113. None of the funds made available by this Act may be used by the Secretary to administer or enforce 29 CFR 779.372(c)(4).

This title may be cited as the ''Department of Labor Appropriations Act, 2012''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the ''PHS Act'') with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,598,957,000, of which $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: Provided further, That no more than $95,073,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as ''HHS'') pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $734,402,000: Provided, That sections 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as ''Secretary'') may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $863,607,000: Provided, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $79,586,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,326,665,000, of which $1,995,670,000 shall remain available to the Secretary of Health and Human Services through September 30, 2014, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,000,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $83,526,000.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social Security Act, $139,832,000, of which $41,118,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: Provided further, That notwithstanding section 338J(k) of the PHS Act, $10,055,000 shall be available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $297,400,000: Provided, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $161,815,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings ''Primary Health Care'', ''Health Workforce'', ''Maternal and Child Health'', ''Ryan White HIV/AIDS Program'', ''Health Care Systems'', and ''Rural Health''.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,841,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,489,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $579,375,000: Provided, That

in addition to amounts provided herein, $12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,105,995,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $253,919,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $760,700,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $138,072,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II and III of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, $144,795,000: Provided, That in addition to amounts provided herein, $247,769,000 shall be available from amounts available under section 241 of the PHS Act to carry out Public Health Scientific Services.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, $105,598,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, $138,480,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $182,903,000: Provided, That in addition to amounts provided herein, $110,724,000 shall be available from amounts available under section 241 of the PHS Act.

EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the PHS Act with respect to global health, $349,547,000, of which $118,023,000 for international HIV/AIDS shall remain available through September 30, 2013: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,306,906,000, of which $509,486,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, VII, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings ''Immunization and Respiratory Diseases'', ''HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention'', ''Emerging and Zoonotic Infectious Diseases'', ''Chronic Disease Prevention and Health Promotion'', ''Birth Defects, Developmental Disabilities, Disabilities and Health'', ''Environmental Health'', ''Injury Prevention and Control'', ''National Institute for Occupational Safety and Health'', ''Employees Occupational Illness Compensation Program Act'', ''Global Health'', ''Public Health Preparedness and Response'', and ''Public Health Scientific Services'', $621,445,000, of which $30,000,000 shall be available until September 30, 2013 for business services, of which $25,000,000 shall be available until September 30, 2016 for equipment, construction and renovation of facilities, and of which $80,000,000 shall be for the Preventive Health and Health Services Block Grant Program: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the Centers for Disease Control and Prevention (referred to in this title as ''CDC''): Provided further, That funds appropriated under this heading and in all other accounts of CDC may be used to support the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of CDC: Provided further, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: Provided further, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: Provided further, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2013: Provided further, That of the funds made available under this heading, up to $1,000 per eligible employee of CDC shall be made available until expended for Individual Learning Accounts: Provided further, That CDC may establish a Working Capital Fund, with the authorities equivalent to those provided in 42 U.S.C. 231, to improve the provision of supplies and service.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,081,788,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,084,851,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental disease, $411,488,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,800,447,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,629,445,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,499,215,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,434,637,000: Provided, That not less than $276,480,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,323,900,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $704,043,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $686,869,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,105,530,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $536,801,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $417,061,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $145,043,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $460,389,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,055,362,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,483,068,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $513,844,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $338,998,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, $128,299,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $276,963,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $69,754,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $338,278,000, of which $4,000,000 shall be available until September 30, 2013, for improvement of information systems: Provided, That in fiscal year 2012, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as ''NIH''): Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $576,456,000: Provided, That up to $10,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network: Provided further, That funds appropriated may be used to support the reorganization and activities required to eliminate the National Center for Research Resources: Provided further, That the Director of the NIH shall ensure that, of all funds made available to Institute, Center, and Office of the Director accounts within ''Department of Health and Human Services, National Institutes of Health'', at least $487,767,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,461,880,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That NIH is authorized to collect third-party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $193,880,000 shall be available for continuation of the National Children's Study: Provided further, That $545,962,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $125,581,000, to remain available until September 30, 2016.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $934,853,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2012: Provided further, That of the amount appropriated under this heading, $45,800,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, $2,123,993,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: Provided further, That no funds shall be available for the National All Schedules Prescription Reporting system.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $186,361,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention'' in carrying out titles III, V and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $109,106,000: Provided, That in addition to amounts provided herein, $27,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention''.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $369,053,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: Provided, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2013.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $184,279,110,000, to remain available until expended.

For making, after May 31, 2012, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2012 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2013, $90,614,082,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $230,741,378,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $3,879,476,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2017: Provided, That all

funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $34,000,000, to remain available through September 30, 2013, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That the Secretary is directed to collect fees in fiscal year 2012 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $44,000,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $310,377,000, to remain available through September 30, 2013, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $219,879,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which $29,730,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which $31,038,000 shall be for the Medicaid and Children's Health Insurance Program (''CHIP'') program integrity activities, and of which $29,730,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2012 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,305,035,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2013, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,478,246,000: Provided, That all but $497,000,000 of such funds shall be allocated as though the total appropriation for such payments for fiscal year 2012 was less than $1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $3,000,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $769,789,000, of which up to $9,794,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2012 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2014.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,282,627,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,433,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free hotline and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $291,248,000 shall be reserved by the States for activities authorized under section 658G, of which $106,813,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,890,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, section 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $9,926,709,000, of which $39,421,000, to remain available through September 30, 2013, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2012: Provided, That $7,983,633,000 shall be for making payments under the Head Start Act: Provided further, That for purposes of allocating funds described by the immediately preceding proviso, the term ''base grant'' as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2011 shall be calculated as described in such subsection and to which amount shall be added 50 percent of the amount of funds appropriated under the heading ''Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs'' in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12-month period beginning in fiscal year 2010: Provided further, That $713,630,000 shall be for making payments under the CSBG Act: Provided further, That $35,340,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $30,000,000 shall be for section 680(a)(2) and not less than $4,990,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $5,245,000 shall be for activities authorized by section 291 of the Help America Vote Act of 2002: Provided further, That $1,996,000 shall be for a

human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,184,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,153,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2013, $2,100,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (''OAA''), section 398 and title XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,473,703,000: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That none of the funds provided shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this Act: Provided further, That the total amount available for fiscal year 2012 under this and any other Act to carry out activities related to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111–117: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $475,221,000, together with $69,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, $53,783,000 shall be for minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, $104,790,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That of the funds made available under this heading, $5,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)–(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants made under the authority of section 510(b)(2)(A)–(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $72,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $16,446,000: Provided, That in addition to amounts provided herein, $44,811,000 shall be available from amounts available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $50,178,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That at least 40 percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $41,016,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $569,452,000; of which $10,000,000 shall remain available until September 30, 2014 to support emergency operations.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111–117, up to $415,000,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority to support additional advanced research and development.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes

and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2012:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 213. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 214. Funds which are available for Individual Learning Accounts for employees of CDC and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to appropriate accounts of CDC, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Notwithstanding any other provisions of law, discretionary funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 219. None of the funds appropriated or otherwise made available in this Act may be expended to advance the creation of a Federally Funded Research and Development Center at the Centers for Medicare and Medicaid Services, prior to a Federal Register notice being issued that outlines: how this proposal would meet the specific requirements identified in FAR 35.017–2; agency procedures that ensure small business competitiveness is maintained; and the outline of a transparent award and governance process to be employed.

SEC. 220. (a) The Secretary shall establish a publicly accessible website to provide information regarding the uses of funds made available under section 4002 of Public Law 111–148.

(b) With respect to funds provided for fiscal year 2012, the Secretary shall include on the website established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(5) Semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

SEC. 221. (a) ESTABLISHMENT OF NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES; ELIMINATION OF NATIONAL CENTER FOR RESEARCH RESOURCES.—

(1) IN GENERAL.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended—

(A) in the subpart heading, by striking ''National Center for Research Resources'' and inserting ''National Center for Advancing Translational Sciences'';

(B) by striking sections 480 and 481; and

(C) by amending section 479 to read as follows:

''SEC. 479. NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.

''(a) PURPOSE.—The purpose of the National Center for Advancing Translational Sciences (in this subpart referred to as the 'Center') is to advance translational sciences, including by—

''(1) coordinating and developing resources that leverage basic research in support of translational science; and

''(2) developing partnerships and working cooperatively to foster synergy in ways that do not create duplication, redundancy, and competition with industry activities.

''(b) CLINICAL TRIAL ACTIVITIES.—

''(1) IN GENERAL.—The Center may develop and provide infrastructure and resources for all phases of clinical trials research. Except as provided in paragraph (2), the Center may support clinical trials only through the end of phase IIA.

''(2) EXCEPTION.—The Center may support clinical trial activities through the end of phase IIB for a treatment for a rare disease or condition (as defined in section 526 of the Federal Food, Drug, and Cosmetic Act) so long as—

''(A) the Center gives public notice for a period of at least 120 days of the Center's intention to support the clinical trial activities in phase IIB;

''(B) no public or private organization provides credible written intent to the Center that the organization has timely plans to further the clinical trial activities or conduct clinical trials of a similar nature beyond phase IIA; and

''(C) the Center ensures that support of the clinical trial activities in phase IIB will not increase the Federal Government's liability beyond the award value of the Center's support.

''(c) ANNUAL REPORT.—The Center shall publish an annual report that, with respect to all research supported by the Center, includes a complete list of—

''(1) the molecules being studied;

''(2) clinical trial activities being conducted;

''(3) the methods and tools in development;

''(4) ongoing partnerships, including—

''(A) the rationale for each partnership;

''(B) the status of each partnership;

''(C) the funding provided by the Center to other entities pursuant to each partnership, and

''(D) the activities which have been transferred to industry pursuant to each partnership; and

''(5) known research activity of other entities that is or will expand upon research activity of the Center.''.

(2) LIST OF INSTITUTES AND CENTERS.—Section 401(b)(21) of the Public Health Service Act (42 U.S.C. 281(b)(21)) is amended by striking ''National Center for Research Resources'' and inserting ''National Center for Advancing Translational Sciences''.

(b) ASSIGNMENT OF CERTAIN FUNCTIONS OF FORMER NATIONAL CENTER FOR RESEARCH RESOURCES.—

(1) BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2)—

(A) is redesignated as section 404I and is moved to follow section 404H of such Act (42 U.S.C. 283j); and

(B) is amended—

(i) in subsection (a)(1), by striking ''acting through the Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' and inserting ''acting through the Office of the Director of NIH or the Director of the National Institute of Allergy and Infectious Diseases'';

(ii) in subsections (c), (d), (e), and (f)(2), by striking ''Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH or the National Institute of Allergy and Infectious Diseases,'';

(iii) in subsection (b)(2), by striking ''Director of the Center'' each place it appears and inserting ''Director of NIH'';

(iv) in subsections (b)(3)(A), (f)(1), and (g), by striking the comma at the end of ''Director of the Center,'' each place it appears;

(v) by striking ''Director of the Center'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH,'';

(vi) in subsection (b)—

(I) in paragraph (1)(A), by striking ''within the Center''; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking ''and the advisory council established under section 480 (in this section referred to as the 'Advisory Council')'' and inserting ''and the Council of Councils established under section 402(l) (in this section referred to as the 'Council')''; and

(bb) in subparagraphs (B), (C), and (D), by striking ''Advisory'' each place it appears; and

(vii) in subsection (g), by striking ''after consultation with the Advisory Council'' and inserting ''after consultation with the Council''.

(2) CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.—Section 481B of the Public Health Service Act (42 U.S.C. 287a–3)—

(A) is redesignated as section 404J and is moved to follow section 404I, as redesignated by paragraph (1); and

(B) in subsection (a), is amended—

(i) by striking ''by the National Center for Research Resources'' and inserting ''by the Director of NIH, acting through the Office of the Director of NIH,''; and

(ii) by striking ''481A'' and inserting ''404I''.

(3) SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.—Section 481C of the Public Health Service Act (42 U.S.C. 287a–3a)—

(A) is redesignated as section 404K and is moved to follow section 404J, as redesignated by paragraph (2); and

(B) in subsection (d)(4)(A)(ii), is amended by striking ''that is carried out by the National Center for Research Resources'' and inserting ''that is carried out by the Director of NIH, acting through the Office of the Director of NIH,''.

(4) SHARED INSTRUMENTATION GRANT PROGRAM.—Section 305 of the Public Health Improvement Act (42 U.S.C. 287 note)—

(A) is redesignated as section 404L of the Public Health Service Act and is moved to follow section 404K of that Act, as redesignated by paragraph (3); and

(B) is amended—

(i) by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(ii) in subsection (a), as so redesignated, by striking ''under the program described in subsection (a)'' and inserting ''under the Shared Instrumentation Grant Program'';

(iii) by striking ''Director of the National Center for Research Resources'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH,''; and

(iv) in subsection (b), as so redesignated—

(I) by striking ''in subsection (a)'' and inserting ''in subsection (a), the''; and

(II) by striking ''of the Public Health Service Act (42 U.S.C. 289a)''.

(5) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 461, by striking the section heading and designation and all that follows through ''The general purpose'' and inserting the following:

''SEC. 461. NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES.

''(a) GENERAL PURPOSE.—The general purpose'';

(B) by moving subsection (g) of section 402 to the end of section 461, as amended, and redesignating that subsection as subsection (b); and

(C) in section 461(b), as so redesignated—

(i) by striking ''(b)(1)(A) In the case of'' and inserting the following:

''(b) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.—

''(1)(A) In the case of'';

(ii) by moving two ems to the right—

(I) subparagraphs (B) and (C) of paragraph (1);

(II) clauses (i), (ii), and (iii) of such subparagraph (C); and

(III) paragraph (2); and

(iii) in paragraph (1)(A), by striking ''acting through the Director of the National Center for Research Resources'' and inserting ''acting through the Director of the National Institute of General Medical Sciences''.

(c) ASSIGNMENT OF CERTAIN OFFICES AND FUNCTIONS TO NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.—

(1) CURES ACCELERATION NETWORK.—Section 402C of the Public Health Service Act (42 U.S.C. 282d)—

(A) is redesignated as section 480 and is moved to follow section 479;

(B) in subsection (b), is amended in the matter that precedes paragraph (1) by striking ''within the Office of the Director of NIH'' and inserting ''within the Center'';

(C) by striking ''Director of NIH'' each place it appears and inserting ''Director of the Center''; and

(D) in the headings of subsections (d)(4) and (d)(4)(B), by striking ''DIRECTOR OF NIH'' each place it appears and inserting ''DIRECTOR OF THE CENTER''.

(2) OFFICE OF RARE DISEASES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 404F—

(i) by redesignating such section as section 481 and moving such section to follow section 480, as redesignated by paragraph (1);

(ii) in subsection (a)—

(I) by striking ''within the Office of the Director of NIH'' and inserting ''within the Center''; and

(II) by striking ''Director of NIH'' and inserting ''Director of the Center''; and

(iii) in subsection (b)(1)(C), by striking ''404G'' and inserting ''481A''; and

(B) in section 401(c)(2)(A), by striking ''the Office of Rare Diseases,''.

(3) RARE DISEASE REGIONAL CENTERS OF EXCELLENCE.—Section 404G of the Public Health Service Act (42 U.S.C. 283i) is redesignated as section 481A and is moved to follow section 481, as redesignated by paragraph (2).

(4) GENERAL CLINICAL RESEARCH CENTERS.—Section 481D of the Public Health Service Act (42 U.S.C. 287a–4)—

(A) is redesignated as section 481B; and

(B) in subsection (a), is amended by striking ''Director of the National Center for Research Resources'' and inserting ''Director of the Center''.

(d) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 402(b)(24) (42 U.S.C. 282(b)(24)), by striking ''402C'' and inserting ''480'';

(2) in section 404C(e)(3)(A) (42 U.S.C. 283e(e)(3)(A)), by striking ''and the Director of the Center for Research Resources'';

(3) in section 464z–3(i)(1) (42 U.S.C. 285t(i)(1))—

(A) by striking ''Director of National Institute for Research Resources'' and inserting ''Director of NIH'';

(B) by striking ''481(c)(3)'' and inserting ''404I(c)(2)''; and

(C) by inserting ''under such section'' after ''Institutions of Emerging Excellence'';

(4) in section 499(c)(1)(E) (42 U.S.C. 290b(c)(1)(E)), by striking ''section 402C'' and inserting ''section 480''.

Sec. 222. The discretionary appropriation for CDC is hereby reduced by $20,000,000: Provided, That the reduction should be taken from contracting and administrative costs in each of the CDC accounts.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2012''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as ''ESEA'') and section 418A of the Higher Education Act of 1965 (referred to in this Act as ''HEA''), $15,750,983,000, of which $4,817,117,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $10,841,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That $6,584,750,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $3,992,000 of these funds shall be available to the Secretary of Education (referred to in this title as ''Secretary'') on October

1, 2011, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,288,183,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,288,183,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That $3,200,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That $534,562,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: Provided further, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: Provided further, That $160,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, $1,293,631,000, of which $1,155,724,000 shall be for basic support payments under section 8003(b), $48,505,000 shall be for payments for children with disabilities under section 8003(d), $17,474,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2013, $67,074,000 shall be for Federal property payments under section 8002, and $4,854,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2011–2012, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,550,018,000, of which $2,725,246,000 shall become available on July 1, 2012, and remain available through September 30, 2013, and of which $1,681,441,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: Provided further, That $51,210,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $17,652,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That up to 1.5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal training or professional enhancement activities to national not-for-profit organizations.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, $131,027,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, $1,530,429,000: Provided, That the Secretary may use up to $550,000,000, which shall remain available for obligation through December 31, 2012, for section 14006 of division A of Public Law 111–5, as amended, to make awards (including on the basis of previously submitted applications) to States or to local educational agencies, or both, in accordance with the applicable requirements of that section, as determined by the Secretary, and may use up to 5 percent of such funds for technical assistance and evaluation of the activities carried out under that section: Provided further, That up to $149,700,000 shall be available for obligation through December 31, 2012 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: Provided further, That $300,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than $23,000,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $55,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to $11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe

a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, $256,237,000: Provided, That $65,000,000 shall be available for subpart 2 of part A of title IV: Provided further, That $60,000,000 shall be available for Promise Neighborhoods and shall be available through December 31, 2012.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $733,530,000, which shall become available on July 1, 2012, and shall remain available through September 30, 2013, except that 6.5 percent of such amount shall be available on October 1, 2011, and shall remain available through September 30, 2013, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,647,066,000, of which $3,115,716,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $9,283,383,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2011, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2011: Provided further, That $2,000,000, to remain available for obligation through September 30, 2013, shall be for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, which may include competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, including both physical and emotional health, and education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the families or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,512,019,000: Provided, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, including competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the family or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: Provided further, That any funds made available subsequent to reallotment for activities aimed at improving the outcomes of children receiving SSI and their families shall remain available until September 30, 2013: Provided further, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or insurance program: Provided further, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: Provided further, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,551,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $65,546,000: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $125,754,000, of which $7,990,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (referred to in this Act as the ''AEFLA''), $1,738,946,000, of which $947,946,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $791,000,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013: Provided, That of the amount provided for Adult Education State Grants, $74,850,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $11,323,000 shall be for national leadership activities under section 243.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, and part C of title IV of the HEA, $24,538,521,000, which shall remain available through September 30, 2013.

The maximum Pell Grant for which a student shall be eligible during award year 2012–2013 shall be $4,860.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, $1,045,363,000, to remain available until September 30, 2013.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,873,196,000: Provided, That $608,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (referred to in this Act as ''HEOA''), that would have otherwise received a continuation award for fiscal year 2012 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: Provided further, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award.

HOWARD UNIVERSITY

For partial support of Howard University, $234,507,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $460,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,188,000, as authorized pursuant to part D of title III of the HEA: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $367,255,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $353,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $594,788,000, which shall remain available through September 30, 2013: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $11,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $447,104,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $102,818,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $59,933,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the ESEA.

SEC. 306. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting ''2012'' for ''2009''.

SEC. 307. (a) Notwithstanding any other provision of law, the Secretary is authorized to modify the terms and conditions of gulf hurricane disaster loans to affected institutions pursuant to section 2601 of Public Law 109–234 using the authority provided herein, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interests of both the United States and the borrowers, and necessary to mitigate the economic effects of Hurricanes Katrina and Rita. Any modification under this section shall not result in any net cost to the Federal Government, as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, beginning on the date on which the Secretary modifies a loan under this section.

(b) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any modification of loans under paragraph (a) that—

(1) establishes the terms and conditions governing the modifications authorized by paragraph (a);

(2) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the modification of the loans made under this title; and

(3) describes how the use of such methodology and consideration of such factors used to determine the modifications will ensure that loan modifications do not result in any net cost to the Federal Government.

(c) FEES.—An affected institution that receives a modification to its disaster loan pursuant to section 2601 of Public Law 109–234 shall pay a fee to the Secretary which shall be credited to the HBCU Hurricane Supplemental Loan Program. Such fees shall remain available without fiscal year limitation to pay the modification costs. The amount of the fee paid shall be equal to the modification cost as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such loan.

SEC. 308. Section 14006(c)(2) of division A of the American Recovery and Reinvestment Act of 2009 (as amended by section 1832(b) of division B of Public Law 112–10) is amended by inserting before the period, ''except that such a State may use its grant funds to make subgrants to public or private agencies and organizations for activities consistent with the purposes of the grant''.

SEC. 309. (a) FEDERAL PELL GRANT ELIGIBILITY.—

(1) MINIMUM LEVEL.—Section 401(b)(4) of the HEA (20 U.S.C. 1070a(b)(4)) is amended by striking '', except that'' and all that follows and inserting a period.

(2) DURATION OF AWARD PERIOD.—Section 401(c)(5) of the HEA (20 U.S.C. 1070a(c)(5)) is amended—

(A) by striking ''18'' each place it appears and inserting ''12''; and

(B) by striking the last sentence.

(b) ZERO EXPECTED FAMILY CONTRIBUTION.—Section 479(c) of the HEA (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking ''$30,000'' and inserting ''$23,000''; and

(2) in paragraph (2)(B), by striking ''$30,000'' and inserting ''$23,000''.

(c) STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—

(1) AMENDMENT.—Section 484(d) of the HEA (20 U.S.C. 1091(d)) is amended—

(A) in the matter preceding paragraph (1), by striking ''meet one of the following standards:'';

(B) by striking paragraphs (1), (2), and (4); and

(C) in paragraph (3), by striking ''(3) The student has'' and inserting ''have''; and

(2) TRANSITION.—The amendment made by paragraph (1) shall apply to students who first enroll in a program of study on or after July 1, 2012.

(3) CONFORMING CHANGE.—Section 101(a)(1) of the HEA (20 U.S.C. 1001(a)(1) is amended by striking ''section 484(d)(3)'' and inserting ''section 484(d)''.

(d) TEMPORARY ELIMINATION OF INTEREST SUBSIDY DURING STUDENT LOAN GRACE PERIOD.—

(1) Section 428(a)(3)(A)(i)(I) of the HEA (20 U.S.C. 1078(a)(3)(A)(i)(I)) is amended to read as follows:

''(I) which accrues prior to the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution), or''.

(2) The amendment made by paragraph (1) shall apply to new Federal Direct Stafford Loans made on or after July 1, 2012 and before July 1, 2014.

(e) REVISED SPECIAL ALLOWANCE CALCULATION.—

(1) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on April 1, 2012 and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending June 30, 2012, and each succeeding 3-month

period, on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2010, if, not later than April 1, 2012, the holder of the loan (or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan), affirmatively and permanently waives all contractual, statutory, or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—

''(aa) IN GENERAL.—A waiver pursuant to subclause (II) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

''(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

''(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

''(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

''(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

''(AA) in accordance with an agreement entered into before the date of enactment of this section by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

''(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.''.

(2) CONFORMING AMENDMENTS.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(A) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I) (in accordance with clause (vii))''; and

(B) in clause (v)(III), by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

(f) REAPPROPRIATION OF MANDATORY SAVINGS.—Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended to read as follows:

''(iv) to carry out this section—

''(I) $13,500,000,000 for fiscal year 2011;

''(II) $13,795,000,000 for fiscal year 2012;

''(III) $7,587,000,000 for fiscal year 2013;

''(IV) $588,000,000 for fiscal year 2014;

''(V) $0 for fiscal year 2015;

''(VI) $0 for fiscal year 2016;

''(VII) $1,574,000,000 for fiscal year 2017;

''(VIII) $1,382,000,000 for fiscal year 2018;

''(IX) $1,409,000,000 for fiscal year 2019;

''(X) $1,430,000,000 for fiscal year 2020; and

''(XI) $1,145,000,000 for fiscal year 2021 and each succeeding fiscal year.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on July 1, 2012.

(h) INAPPLICABILITY OF NEGOTIATED RULEMAKING AND MASTER CALENDAR EXCEPTION.—Sections 482(c) and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section, or to any regulations promulgated under those amendments.

This title may be cited as the ''Department of Education Appropriations Act, 2012''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,385,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as ''CNCS'') to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as ''1973 Act'') and the National and Community Service Act of 1990 (referred to in this title as ''1990 Act''), $751,672,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $44,900,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $2,000,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $13,466,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (5) $31,942,000 shall be available to carry out subtitle E of the 1990 Act; and (6) $3,992,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That, with respect to amounts provided under this heading for State Service Commissions, section 126 of the 1990 Act shall be applied by substituting ''$200,000'' for ''$250,000'' each place that it appears.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the 1990 Act, $212,198,000, to remain available until expended: Provided, That CNCS may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $83,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $4,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2012, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (referred to in this Act as ''CPB''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2014, $445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,250,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance,

including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,637,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $232,393,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $6,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,264,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $278,833,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISION

SEC. 405. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,436,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,689,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $51,000,000, which shall include amounts becoming available in fiscal year 2012 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2013, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $108,855,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,170,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $37,582,991,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $8,000,000 shall be available for research and demonstrations under sections 1110 and 1144 of the Social Security Act and remain available through September 30, 2013.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2013, $18,200,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $10,555,494,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: Provided, That not less than $2,150,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2012 not needed for fiscal year 2012 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $274,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $161,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2012 exceed $161,000,000, the amounts shall be available in fiscal year 2013 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,942,000, together with not to exceed $73,535,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and Expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and Expenses''.

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 515. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers

of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 516. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 517. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2012 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2012 budget request.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2012, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 520. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 521. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

(RESCISSION)

SEC. 522. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, $6,367,964,000 are hereby rescinded.

SEC. 523. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(RESCISSION)

SEC. 524. Of the funds made available under section 1322 of Public Law 111–148, $400,000,000 are rescinded.

(RESCISSION)

SEC. 525. Of the funds made available for fiscal year 2012 under section 3403 of Public Law 111–148, $10,000,000 are rescinded.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 527. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.189 percent of—

(1) the budget authority provided for fiscal year 2012 for any discretionary account of this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2012 for any discretionary account in prior Acts making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in this Act or the accompanying statement of managers).

(c) EXCEPTION.—This section shall not apply to discretionary authority appropriated for the Federal Pell Grants program under the heading ''Department of Education, Student Financial Assistance''.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012''.

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $174,840.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $175,763,738, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,361,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $705,466.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,201,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,281,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $14,863,573.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,619,195 for each such committee; in all, $3,238,390.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $797,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,653,905 for each such committee; in all, $3,307,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $405,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, $24,194,115.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $73,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,722,388.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $42,684,460.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,995,300.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,449,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $131,305,860, of which $26,650,000 shall be available until September 30, 2014.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $487,822.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate $5,816,344 of which $4,200,000 shall remain available until September 30, 2016.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $130,722,080, which shall remain available until September 30, 2016.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,360,000, which shall remain available until September 30, 2014.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $396,180,000 of which $18,921,206 shall remain available until September 30, 2014.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $281,436.

ADMINISTRATIVE PROVISION

PAYMENT OF CERTAIN EXPENSES

SEC. 1. (a) IN GENERAL.—Subject to the approval of the Committee on Appropriations of the Senate, if in any fiscal year amounts in any appropriations account under the heading ''SENATE'' under the heading ''LEGISLATIVE BRANCH'' are available for more than 1 fiscal year, the Secretary of the Senate may establish procedures for the payment of expenses with respect to that account from any amounts available for that fiscal year.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,225,680,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $23,275,773, including: Office of the Speaker, $6,942,770, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,277,595, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,432,812, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,971,050, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,524,951, including $5,000 for official expenses of the Minority Whip; Republican Conference, $1,572,788; Democratic Caucus, $1,553,807. In addition to the amounts made available above, for salaries and expenses under this heading, to be available during the period beginning September 30, 2012, and ending December 31, 2013; $5,818,948, including: Office of the Speaker, $1,735,694, including $6,250 for official expenses of the Speaker; Office of the Majority Floor Leader, $569,399, including $2,500 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,858,205, including $2,500 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $492,763, including $1,250 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $381,238, including $1,250 for official expenses of the Minority Whip; Republican Conference, $393,197; Democratic Caucus, $388,452.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $573,939,282.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $125,964,870: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $26,665,785, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

SALARIES, OFFICERS AND EMPLOYEES

For salaries and expenses of officers and employees, as authorized by law, $177,628,400, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $26,114,400, of which $2,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $12,585,000 of which $4,445,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $116,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $347,000; and for salaries and expenses of the Historian, $170,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $292,386,942, including: supplies, materials, administrative costs and Federal tort claims, $3,696,118; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $264,848,219; Business Continuity and Disaster Recovery, $17,112,072, of which $5,000,000 shall remain available until expended; transition activities for new members and staff, $1,721,533; Wounded Warrior Program $2,500,000, to remain available until expended; Office of Congressional Ethics, $1,548,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2012. Any amount remaining after all payments are made under such allowances for fiscal year 2012 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

REPUBLICAN POLICY COMMITTEE

SEC. 102. (a) Section 109(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 74a–13(a)) is amended by striking ''the chair of the Republican Conference'' and inserting the following: ''the Speaker of the House of Representatives (or, if the Speaker is not a member of the Republican Party, the Minority Leader of the House of Representatives)''.

(b) Section 109(b) of such Act (2 U.S.C. 74a–13(b)) is amended by striking the period at the end and inserting the following: '', and which shall be obligated and expended as directed by the Speaker (or, if the Speaker is not a member of the Republican party, the Minority Leader).''.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

AUTHORITY OF SPEAKER AND MINORITY LEADER TO ALLOCATE FUNDS AMONG CERTAIN HOUSE LEADERSHIP OFFICES

SEC. 103. (a) AUTHORITY OF SPEAKER.—

(1) AUTHORITY DESCRIBED.—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Speaker of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) OFFICES AND AUTHORITIES DESCRIBED.—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Speaker.

(B) The Speaker's Office for Legislative Floor Activities.

(C) The Republican Steering Committee (if the Speaker is a member of the Republican party) or the Democratic Steering and Policy Committee (if the Speaker is a member of the Democratic party).

(D) The Republican Policy Committee (if the Speaker is a member of the Republican party).

(E) Training and program development—majority (as described under the heading ''House leadership offices'' in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(F) Cloakroom personnel—majority (as so described).

(b) AUTHORITY OF MINORITY LEADER.—

(1) AUTHORITY DESCRIBED.—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Minority Leader of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) OFFICES AND AUTHORITIES DESCRIBED.—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Minority Leader.

(B) The Democratic Steering and Policy Committee (if the Minority Leader is a member of the Democratic party) or the Republican Steering Committee (if the Minority Leader is a member of the Republican party).

(C) The Republican Policy Committee (if the Minority Leader is a member of the Republican party).

(D) Training and program development—minority (as described under the heading ''House leadership offices'' in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(E) Cloakroom personnel—minority (as so described).

(F) Nine minority employees (as so described).

(c) EFFECTIVE DATE.—This section shall apply with respect to any months occurring during the One Hundred Twelfth Congress that begin after the date of the enactment of this Act, and to any succeeding Congress.

REPUBLICAN CONFERENCE AND THE DEMOCRATIC STEERING AND POLICY COMMITTEE

SEC. 104. (a) Section 103(b) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 74a–8(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Subject to the allocation described in subsection (c), funds'' and inserting ''Funds'';

(2) in paragraph (1), by striking ''direct;'' and inserting the following: ''direct (or, if the Speaker is not a member of the Republican Party, under such terms and conditions as the Minority Leader of the House of Representatives may direct);''; and

(3) in paragraph (2), by striking ''direct.'' and inserting the following: ''direct (or, if the Speaker is a member of the Democratic Party, under such terms and conditions as the Speaker may direct).''.

(b) Section 103 of such Act (2 U.S.C. 74a–8(c)) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

TRANSFER OF HOUSE EMERGENCY PLANNING, PREPAREDNESS, AND OPERATIONS FUNCTIONS TO SERGEANT AT ARMS

SEC. 105. Effective February 1, 2010—

(1) section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed; and

(2) the functions and responsibilities of the Office of Emergency Planning, Preparedness and Operations under section 905 of such Act are transferred and assigned to the Sergeant at Arms of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2013

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2013, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2013, $1,237,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2013. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2012: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2013 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,004,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,427,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,400,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,363,000, to be disbursed by the Secretary of the Senate.

ADMINISTRATIVE PROVISION

SEC. 1001. (a) IN GENERAL.—Section 102(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(a)) is amended—

(1) in paragraph (1), by inserting '', except as provided under subsection (b)(3)'' after ''means an individual''; and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) EMPLOYEE OF THE SENATE.—The term 'employee of the Senate'—

''(A) has the meaning given the term under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301); and

''(B) includes any employee of the Office of Congressional Accessibility Services whose pay is disbursed by the Secretary of the Senate.

''(3) EMPLOYING OFFICE.—The term 'employing office'—

''(A) means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate; and

''(B) includes the Office of Congressional Accessibility Services with respect to employees of that office whose pay is disbursed by the Secretary of the Senate.''.

(b) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Section 102(b) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by adding at the end the following:

''(3) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Notwithstanding section 5379 of title 5, United States Code, an employee of the Office of Congressional Accessibility Services may not participate in the student loan repayment program through an agreement under that section and participate in the student loan repayment program through a service agreement under this section at the same time.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to service agreements entered into under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or section 5379 of title 5, United States Code, on or after that date.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $277,133,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $63,004,000, of which $2,400,000 shall remain available until September 30, 2014, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2012 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1101. Amounts appropriated for fiscal year 2012 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

WAIVER BY CHIEF OF CAPITOL POLICE OF CLAIMS ARISING OUT OF ERRONEOUS PAYMENTS TO OFFICERS AND EMPLOYEES

SEC. 1102. (a) WAIVER OF CLAIM.—Subject to the joint approval of the Chief Administrative Officer of the House of Representatives and the

Secretary of the Senate, the Chief of the United States Capitol Police may waive in whole or in part a claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, to an officer, member, or employee of the United States Capitol Police, if the collection of the claim would be against equity and good conscience and not in the best interests of the United States.

(b) INVESTIGATION OF APPLICATION; REPORT.—The Chief shall investigate each application for the waiver of a claim under subsection (a) and shall submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, except that if the aggregate amount of the claim involved exceeds $1,500, the Comptroller General may also investigate the application and submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate.

(c) PROHIBITION OF WAIVER UNDER CERTAIN CIRCUMSTANCES.—The Chief may not exercise the authority to waive a claim under subsection (a) if—

(1) in the Chief's opinion, there exists in connection with the claim an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer, member, or employee involved or of any other person having an interest in obtaining a waiver of the claim; or

(2) the Chief receives the application for the waiver after the expiration of the 3-year period that begins on the date on which the erroneous payment of pay or allowances was discovered.

(d) CREDIT FOR WAIVER.—In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under subsection (a).

(e) EFFECT OF WAIVER.—An erroneous payment, the collection of which is waived under subsection (a), is deemed a valid payment for all purposes.

(f) CONSTRUCTION WITH OTHER LAWS.—This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(g) RULES AND REGULATIONS.—Subject to the approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief shall promulgate rules and regulations to carry out this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to payments of pay and allowances made at any time after the Chief became the disbursing officer for the United States Capitol Police pursuant to section 1018(a) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(a)).

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,817,000, of which $700,000 shall remain available until September 30, 2013: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $43,787,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $101,340,000, of which $3,749,000 shall remain available until September 30, 2016.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $36,154,000, of which $11,063,000 shall remain available until September 30, 2016.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,852,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $71,128,000, of which $13,128,000 shall remain available until September 30, 2016.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $94,154,000, of which $45,631,000 shall remain available until September 30, 2016.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $30,000,000, shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $123,229,000, of which $37,617,000 shall remain available until September 30, 2016: Provided, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2012.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $46,876,000, of which $21,116,000 shall remain available until September 30, 2016.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $21,500,000, of which $3,473,000 shall remain available until September 30, 2016.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $12,000,000: Provided, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $21,276,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

USE OF CONSTRUCTION PROJECT FUNDS TO REIMBURSE CAPITOL POLICE FOR RELATED OVERTIME COSTS

SEC. 1201. (a) PAYMENT OF OVERTIME COSTS.—The Architect of the Capitol shall transfer amounts made available for construction projects during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for overtime costs incurred in connection with such projects.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

TRANSFER TO ARCHITECT OF THE CAPITOL

SEC. 1202. (a) TRANSFER.—To the extent that the Director of the National Park Service has jurisdiction and control over any portion of the area described in subsection (b) and any monument or other facility which is located within such area, such jurisdiction and control is hereby transferred to the Architect of the Capitol as of the date of the enactment of this Act.

(b) AREA DESCRIBED.—The area described in this subsection is the property which is bounded on the north by Pennsylvania Avenue Northwest, on the east by First Street Northwest and First Street Southwest, on the south by Maryland Avenue Southwest, and on the west by Third Street Southwest and Third Street Northwest.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $420,093,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2012, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2012 and shall remain available until expended for the development and maintenance of an international legal

information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $6,959,000 shall remain available until expended for the digital collections and educational curricula program.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $51,650,000, of which not more than $28,029,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2012 under section 708(d) of title 17, United States Code: Provided, That not more than $2,000,000 shall be derived from prior year available unobligated balances: Provided further, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,484,000 shall be derived from collections during fiscal year 2012 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections and prior year available unobligated balances are less than $35,513,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $106,790,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,674,000: Provided, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1301. (a) IN GENERAL.—For fiscal year 2012, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $169,725,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2012, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1302. (a) IN GENERAL.—Amounts appropriated for fiscal year 2012 for the Library of Congress may be transferred during fiscal year 2012 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2012 may be transferred from that account by all transfers made under subsection (a).

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1303. (a) IN GENERAL.—Available balances of expired Library of Congress appropriations shall be available to the Library of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2012 and each fiscal year thereafter.

PERMITTING USE OF PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1304. (a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) USE OF PROCEEDS.—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,700,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,000,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating congressional serial sets and other related publications for fiscal years 2010 and 2011 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $500,000 for information technology development: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations

as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $511,296,000: Provided, That, in addition, $22,304,000 of payments received under sections 782, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1401. (a) Section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) is amended—

(1) by striking subsection (d); and

(2) in subsection (f)(2)(A), by striking ''United States Code'' and inserting ''United States Code, but excluding the Government Accountability Office''.

(b) Section 3521(1) of title 5, United States Code, is amended by striking ''section 105'' and inserting ''section 105 (other than the Government Accountability Office)''.

(c) The amendments made by this section shall apply with respect to voluntary separation incentive payments made during fiscal year 2012 or any succeeding fiscal year.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $10,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2012 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

SEC. 211. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

SEC. 212. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

This division may be cited as the ''Legislative Branch Appropriations Act, 2012''.

DIVISON H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,006,491,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $229,741,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in

the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,112,823,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $84,362,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,227,058,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $81,913,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,431,957,000, to remain available until September 30, 2016: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $430,602,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, $24,118,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: Provided further, That the Department of Defense shall not award a design contract to exceed the 20 percent design level for the Landstuhl Regional Medical Center in Germany until the Secretary of Defense: (1) provides the Committees on Appropriations of the House of Representatives and the Senate a plan for implementing the recommendations of the Government Accountability Office with respect to the plans, baseline data, and estimated cost of the facility; and (2) certifies in writing to the Committees that the facility is properly sized and scoped to meet current and projected healthcare requirements.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $773,592,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $20,671,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $116,246,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $12,225,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $280,549,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $28,924,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $26,299,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,591,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,620,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,200,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $247,611,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $176,897,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $493,458,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $100,972,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $367,863,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $60,042,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $429,523,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,723,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,184,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $1,284,000, to remain available until expended: Provided, That the Secretary of Defense shall not issue any regulation or otherwise take any action to limit the submission prior to September 30, 2012, of applications for benefits, including permanent change of station benefits, as provided under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of

the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $323,543,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $258,776,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United

States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 126. (a) Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than 1 year after the completion of chemical demilitarization activities required under the Chemical Weapons Convention.

(b) The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 110–510; 10 U.S.C. 2687 note).

(c) Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot, totaling approximately 7,500 acres, as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

SEC. 127. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG–2012–024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 128. None of the funds appropriated or otherwise made available by this title may be obligated or expended for a permanent United States Africa Command headquarters outside of the United States until the Secretary of Defense provides the congressional defense committees an analysis of all military construction costs associated with establishing a permanent location overseas versus in the United States.

SEC. 129. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 130. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 131. Of the unobligated balances available under the following headings from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), the following amounts are hereby rescinded: ''Military Construction, Army'', $100,000,000; ''Military Construction, Navy and Marine Corps'', $25,000,000; ''Military Construction, Air Force'', $32,000,000; and ''Military Construction, Defense-Wide'', $131,400,000.

(INCLUDING RESCISSION OF FUNDS)

SEC. 132. Of the unobligated balances available for ''Department of Defense Base Closure Account 2005'', from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $258,776,000 are hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $51,237,567,000, to remain available until expended: Provided, That not to exceed $32,187,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses, Veterans Benefits Administration'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $12,108,488,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $100,252,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2012, within the resources available, not to exceed $500,000 in gross obligations

for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,698,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,019,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $343,000, which may be paid to the appropriation for ''General operating expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,116,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note) $41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,746,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,441,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $581,000,000, plus reimbursements, shall remain available until September 30, 2013.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,934,000, of which not to exceed $25,100,000 shall remain available until September 30, 2013: Provided, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions until the National Cemetery Administration submits to the Committees on Appropriations of both Houses of Congress a detailed strategy to serve the burial needs of veterans residing in rural and highly rural areas: Provided further, That the report shall include a timeline for implementation of such strategy and cost estimates of establishing new burial sites in at least five rural or highly rural locations.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $416,737,000, of which not to exceed $20,837,000 shall remain available until September 30, 2013: Provided, That funds provided under this heading may be transferred to ''General operating expenses, Veterans Benefits Administration''.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,018,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $105,000,000 shall remain available until September 30, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,111,376,000, plus reimbursements: Provided, That $915,000,000 shall be for pay and associated costs, of which not to exceed $25,000,000 shall remain available until September 30, 2013: Provided further, That $1,616,018,000 shall be for operations and maintenance, of which not to exceed $110,000,000 shall remain available until September 30, 2013: Provided further, That $580,358,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2013: Provided further, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the Joint Explanatory Statement of the Committee of Conference.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $112,391,000, of which $6,000,000 shall remain available until September 30, 2013.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $589,604,000, to remain available until expended, of which $5,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2012, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2012; and (2) by the awarding of a construction contract by September 30, 2013: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $482,386,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2012 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: Provided, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2012, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General operating expenses, Veterans Benefits Administration'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2012 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2012 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $42,904,000 for the Office of Resolution Management and $3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the ''General administration'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38,

United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses, Veterans Benefits Administration'', ''General administration'', and ''National Cemetery Administration'' accounts for fiscal year 2012, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the ''Information technology systems'' account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the ''Medical facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2012 for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', up to $241,666,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Of the amounts available in this title for ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'', a minimum of $15,000,000, shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 227. (a) Of the funds appropriated in title X of division B of Public Law 112–10, the following amounts which became available on October 1, 2011, are hereby rescinded from the following accounts in the amounts specified:

(1) ''Department of Veterans Affairs, Medical services'', $1,400,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $100,000,000.

(3) ''Department of Veterans Affairs, Medical facilities'', $250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2013:

(1) ''Department of Veterans Affairs, Medical services'', $1,400,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $100,000,000.

(3) ''Department of Veterans Affairs, Medical facilities'', $250,000,000.

SEC. 228. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 229. The scope of work for a project included in ''Construction, major projects'' may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 230. (a) EXCEPTION WITH RESPECT TO CONFIDENTIAL NATURE OF CLAIMS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l) Under regulations the Secretary shall prescribe, the Secretary may disclose information about a veteran or the dependent of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.''.

(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(G) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to

prevent misuse and diversion of prescription medicines.''.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000. The first report shall be submitted no later than April 15, 2012.

SEC. 232. None of the funds made available by this Act may be used to declare as excess to the needs of the Department of Veterans Affairs or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the St. Albans campus, consisting of approximately 55 acres of land, with borders near Linden Boulevard on the northwest, 115th Avenue on the west, the Long Island Railroad on the northeast, and Baisley Boulevard on the southeast.

SEC. 233. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 234. Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $61,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,770,000: Provided, That $2,726,323 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $45,800,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease of Department of Defense Real Property for Defense Agencies'' account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $67,700,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the ''Armed Forces Retirement Home'', $14,630,000, to remain available until expended, for expenses necessary to mitigate structural damage sustained to buildings on the Armed Forces Retirement Home—Washington, District of Columbia, campus as a result of the August 2011 earthquake.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $80,000,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $189,703,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in title IV, division E of Public Law 111–117, $269,703,000 are hereby rescinded: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. Such sums as may be necessary for fiscal year 2012 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E–Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 507. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

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

SEC. 510. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 511. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 512. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 513. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 514. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, or to make a grant to, any corporation that was convicted of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the ''Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012''.

DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,550,947,000, of which up to $1,355,000,000 is for Worldwide Security Protection (to remain available until expended): Provided, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,277,862,000, to remain available until September 30, 2013, of which not less than $121,814,000 shall be available only for public diplomacy American salaries, and up to $203,800,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,109,293,000, to remain available until September 30, 2013, of which not less than $347,572,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $822,513,000, to remain available until September 30, 2013.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,341,279,000, to remain available until September 30, 2013, of which up to $1,151,200,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act;

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized; and

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the amount made available under this heading, up to $6,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Department of State, Administration of Foreign Affairs, Capital Investment Fund'': Provided, That the transfer authority of this subparagraph is in addition to any other transfer authority available to the Secretary of State.

(E)(i) The headings ''Civilian Stabilization Initiative'' in titles I and II of prior acts making appropriations for the Department of State, foreign operations, and related programs shall be renamed ''Conflict Stabilization Operations''.

(ii) Of the funds appropriated under this heading, up to $35,000,000, to remain available until expended, may be transferred to, and merged with, funds previously made available under the heading ''Conflict Stabilization Operations'' in title I of prior acts making appropriations for the Department of State, foreign operations and related programs, as amended by subparagraph (i).

(F) None of the funds appropriated under this heading may be used for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $59,380,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $583,200,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $27,000,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $762,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $775,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,300,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,447,000, as authorized, of which $710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to ''Diplomatic and Consular Programs'': Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,449,700,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, on any credits available to the United States from the United Nations Tax Equalization Fund (TEF) and provide updated fiscal year 2013 assessment costs including offsets from available TEF credits and updated foreign currency exchange rates: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,828,182,000, of which 15 percent shall remain available until September 30, 2013: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has taken necessary measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts, and to make information about such cases publicly available in the country where an alleged crime occurs and on the United Nations' Web site; and (3) pursuant to section 7015 of this Act, and the procedures therein followed, setting forth the source of funds that will be used to pay the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that such troops have not violated human rights: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation: Provided further, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United States assessed contributions up to the amount specified in Annex IV accompanying United Nations General Assembly Resolution 64/220: Provided further, That such funds may be made available above the amount authorized in section 404(b)(2)(B) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 287e note) only if the Secretary of State determines and reports to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate that it is important to the national interest of the United States: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, of any credits available to the United States resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $44,722,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $31,453,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,687,000: Provided, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $36,300,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $740,100,000: Provided, That funds appropriated under this heading shall be made available to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: Provided further, That the circumvention technologies and programs supported by such funds shall undergo a review, to include an assessment of protections against such technologies being used for illicit purposes: Provided further, That the BBG shall coordinate the development and use of such technologies with the Secretary of State, as appropriate: Provided further, That of the total amount appropriated under this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: Provided further, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, $7,030,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United

States Institute of Peace Act, $30,589,000, to remain available until September 30, 2013, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $117,764,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $17,764,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $634,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until September 30, 2013: Provided, That section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting ''September 30, 2012'' for ''September 30, 2011'': Provided further, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code: Provided further, That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives: Provided further, That for the purposes of employment rights, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code and the Commission shall be treated as a congressional employing office.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,715,000, to remain available until September 30, 2013.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911–6919), $1,996,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,493,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2013: Provided, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,092,300,000, to remain available until September 30, 2013, of which not less than $25,000,000 should be for costs associated with procurement reform: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading during fiscal year 2013 may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new or reorganized USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: Provided further, That any reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the joint explanatory statement accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $129,700,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $46,500,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,625,000,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the

needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,542,860,000, to remain available until September 30, 2016, which shall be apportioned directly to the Department of State: Provided, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That the amount of such contribution should be $1,050,000,000: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,519,950,000, to remain available until September 30, 2013: Provided, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: Provided further, That of the funds appropriated under this heading, not less than $23,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than $10,000,000 shall be made available for USAID cooperative development programs within the Office of Private and Voluntary Cooperation.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $825,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,141,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $10,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961, as amended by this Act: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed $300,000,000:

Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $750,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,300,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: Provided, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,001,745,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, $250,000,000 shall be available for assistance for Egypt, including not less than $35,000,000 for education programs of which not less than $10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need, and to implement section 7041(a)(3) and (b) of this Act: Provided further, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: Provided further, That of the funds appropriated under this heading, not less than $360,000,000 shall be available for assistance for Jordan: Provided further, That up to $30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: Provided further, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to a country: Provided further, That of the funds appropriated under this heading, not less than $179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $7,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: Provided further, That in consultation with the Secretary of the Treasury, the Secretary of State may transfer up to $200,000,000 of the funds made available under this heading to funds appropriated in this Act under the headings ''Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions'' for additional payments to such institutions, facilities, and funds enumerated under such headings: Provided further, That prior to exercising the transfer authority under the previous proviso the Secretary of State shall consult with the Committees on Appropriations.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $114,770,000, to remain available until September 30, 2013, of which $68,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $46,770,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,639,100,000, to remain available until expended, of which $20,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $27,200,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $375,000,000, of which $5,150,000 is for the Office of Inspector General, to remain available until September 30, 2013: Provided, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $898,200,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: Provided further, That section 605(e) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That notwithstanding section 606(a)(2) of the Millennium Challenge Act of 2003, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That notwithstanding section 606(b)(1) of the Millennium Challenge Act of 2003, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That any Millennium Challenge Corporation candidate country under section 606 of the Millennium Challenge Act of 2003 with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the two subsequent fiscal years: Provided further, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2013: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,448,000, to remain available until September 30, 2014, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $12,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,061,100,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that such funds are in the national security interest of the United States: Provided further, That, notwithstanding any other provision of law, of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): Provided further, That the reporting requirements contained in section 1404 of Public Law 110–252 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority: Provided further, That the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law, shall be provided in accordance with the provisions of sections 481(b) and 622(c) of the Foreign Assistance Act of 1961.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $590,113,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: Provided further, That of the funds made available under this heading, not to exceed $30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $302,818,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That of the funds appropriated under this heading, up to $91,818,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: Provided further, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,788,000, of which up to $4,000,000 may remain available until September 30, 2013, and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That the Secretary of State shall provide to the Committees on Appropriations, not later than 45 days after enactment of this Act, a report on the proposed uses of all program funds under this heading on a country-by-country basis, including a detailed description of proposed activities: Provided further, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,210,000,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than $3,075,000,000 shall be available for grants only for Israel, and $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $808,725,000

shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York: Provided further, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: Provided further, That, not later than 90 days after enactment of this Act and 6 months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations detailing any crowd control items, including tear gas, made available with appropriated funds or through export licenses to foreign security forces that the Secretary of State has credible information have repeatedly used excessive force to repress peaceful, lawful, and organized dissent: Provided further, That the Secretary of State should consult with the Committees on Appropriations prior to obligating funds for such items to governments of countries undergoing democratic transition in the Middle East and North Africa: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: Provided further, That not more than $836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $348,705,000, of which up to $10,000,000 may be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $89,820,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,325,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $167,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, $117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,928,990,899.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $184,630,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $49,900,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $135,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $75,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $172,500,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed $1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2012: Provided further, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103–428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through May 31, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $89,900,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: Provided further, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: Provided further, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2012 in excess of obligations, up to $50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $54,990,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $25,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: Provided further, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2012 or any previous fiscal year: Provided, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related

programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking ''providing new,'' and inserting in its place ''providing, maintaining, repairing, and renovating''.

(f)(1) None of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'' in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design or construction of the New London Embassy.

(2) Within 60 days of enactment of this Act and every 6 months thereafter until completion of the New London Embassy, the Secretary of State shall submit to the Committees on Appropriations a report on the project: Provided, That such report shall include revenue and cost projections, cost containment efforts, project schedule and actual project status, the impact of currency exchange rate fluctuations on project revenue and costs, and options for modifying the scope of the project in the event that proceeds of real property sales in London fall below the total cost of the project.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: Provided further, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations and other relevant congressional committees.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: Provided, That such audits shall be transmitted to the Committees on Appropriations: Provided further, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', and ''Pakistan Counterinsurgency Capability Fund'': Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability

contained in this Act: Provided further, That the Secretary of State shall provide a report to the Committees on Appropriations at the beginning of each fiscal year, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2012 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2013 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(h) REPORT.—The Secretary of State shall submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act detailing steps taken by the Department of State to comply with the requirements provided in subsections (a) and (f).

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: Provided, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) closes or opens a mission or post;

(6) creates, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or

(8) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds: Provided, That unless previously justified to the Committees on Appropriations, the requirements of this subsection shall apply to all obligations of funds appropriated under title I of this Act for items (5) and (6) above.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Conflict Stabilization Operations'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Pakistan Counterinsurgency Capability Fund'', and ''Peace Corps'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries

and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the Russian Federation, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961 or section 7049(a) of this Act, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as:

(1) justified to the Congress; or

(2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become

operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: Provided further, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while

any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For the purposes of this Act ''international financial institutions'' shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) Funds appropriated by this Act may be made available for direct Government-to-Government assistance only if—

(A) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed; and

(i) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(ii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iii) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes; and

(iv) no level of acceptable fraud is assumed.

(B) the Government of the United States and the government of the recipient country have agreed, in writing—

(i) on clear and achievable objectives for the use of such assistance; and

(ii) that such assistance should be made on a cost-reimbursable basis.

(2) In addition to the requirements in subsection (a), no funds may be made available for such assistance without prior consultation with, and notification to, the Committees on Appropriations: Provided, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): Provided further, That the requirements of this paragraph shall only apply to direct Government-to-Government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) The USAID Administrator or the Secretary of State, as appropriate, shall suspend any such assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary determines and reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance.

(4) Not later than 90 days after the enactment of this Act and 6 months thereafter, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in subsection (a) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a cost-reimbursable basis.

(5) The USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2013 congressional budget justification materials, amounts planned for assistance described in subsection (a) by country, proposed funding amount, source of funds, and type of assistance.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: Provided, That the Secretary of State shall develop ''minimum standards of fiscal transparency'' to be updated and strengthened, as appropriate, to reflect best practices: Provided further, That the Secretary shall make an annual determination of ''progress'' or ''no progress'' for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available in an annual ''Fiscal Transparency Report''.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For purposes of paragraph (1), ''minimum standards of fiscal transparency'' shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interest of the United States: Provided, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short- and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(c) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: Provided, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be

eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

MULTI-YEAR COMMITMENTS

SEC. 7033. None of the funds appropriated by this Act may be used to make a future year funding pledge for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(c) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development (USAID), from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(d) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(e) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508).

(f) CONTINGENCIES.—During fiscal year 2012, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations, and other relevant congressional committees, not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: Provided, That reports are considered ''substantially duplicative'' if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: Provided further, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(h) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Funds appropriated under the heading ''Economic Support Fund'' shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication as identified in the Department of State's Internet freedom strategy: Provided, That funds made available by this paragraph should be matched by sources other than the United States Government, as appropriate: Provided further, That the Secretary of State shall coordinate the development and uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate: Provided further, That the circumvention technologies and programs supported by funds made available by this Act, shall undergo a review, to include an assessment of the protection against such technologies being used for illicit purposes.

(5) Funds appropriated by this Act that are made available to promote democracy and human rights shall also be made available to support freedom of religion, especially in the Middle East and North Africa.

(i) PARTNER VETTING.—Funds appropriated in this Act or any prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be used by the Secretary of State and the Administrator of the United States Agency for International Development (USAID), as appropriate, to support the development and implementation of a Partner Vetting System (PVS) pilot program: Provided, That such pilot program shall be implemented not later than September 30, 2012: Provided further, That the Secretary of State and the USAID Administrator shall jointly submit a report to the Committees on Appropriations not later than 30 days after completion of the pilot program on the estimated timeline and criteria for evaluating the PVS for expansion.

(j) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): Provided, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: Provided further, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: Provided further, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(k) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking ''evidence'' and inserting ''information'' and by striking ''gross violations'' and inserting ''a gross violation'';

(3) in subsection (b), by striking ''measures'' and inserting ''steps''; and

(4) by adding the following subsection:

''(d) CREDIBLE INFORMATION.—The Secretary shall establish, and periodically update, procedures to—

''(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

''(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

''(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

''(4) ensure that such information is evaluated and preserved;

''(5) ensure that when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;

''(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

''(7) make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished pursuant to subsection (a).''

(l) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(m) EXTENSION OF AUTHORITIES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting ''September 30, 2012'' for ''September 30, 2010''.

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, 2012.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in paragraph (2).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in paragraph (2).

(6) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in subparagraph (B).

(7) The authority contained in section 1603(a)(2) of Public Law 109–234, as amended, shall remain in effect through September 30, 2012.

(8) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, 2012: Provided, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(n) REPORTS REPEALED.—Section 133(d) of Public Law 87–195; section 807 of Public Law 98–164; section 704(c) of Public Law 101–179; section 104 of Public Law 102–511; section 560(g) of Public Law 103–87; section 514(a) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; sections 694(a), 694(b), 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(o) GOVERNMENT EXPENDITURES.—Funds appropriated under title III and under the heading ''International Narcotics Control and Law Enforcement'' in this Act should not be made available for assistance for any government for programs or activities in fiscal year 2013 if the Secretary of State or the Administrator of the United States Agency for International Development has credible information that such government is reducing its own expenditures for such programs or activities as a result of the assistance provided and for reasons that are inconsistent with the purposes of such assistance.

(p) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated under title III of this Act for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: Provided, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

(q) REDESIGNATIONS.—

(1) The position of Advisor established pursuant to section 699B of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Advisor shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Advisor enumerated in section 699B(b) shall remain in full force and effect.

(2) The position of Coordinator established pursuant to section 664 of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Coordinator shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Coordinator enumerated in the first sentence of section 664(c) shall remain in full force and effect: Provided further, That the limitation in the second sentence of such section shall hereafter no longer apply to the Coordinator.

(r) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1)In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2011'' and inserting ''2011, and 2012''; and

(B) in subsection (e), by striking ''June 1, 2011'' each place it appears and inserting ''October 1, 2012''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2011'' and inserting ''2012''.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance for the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7041. (a) EGYPT.—

(1)(A) None of the funds appropriated under titles III and IV of this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) Prior to the obligation of funds appropriated by this Act under the heading ''Foreign Military Financing Program'', the Secretary of State shall certify to the Committees on Appropriations that the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law.

(C) The Secretary of State may waive the requirements of paragraphs (A) and (B) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national security interest of the United States: Provided, That such determination and report shall include a detailed justification for such waiver.

(2) The Secretary of State shall consult with the Committees on Appropriations prior to the transfer of funds appropriated by this Act under the heading ''Foreign Military Financing Program'' to an interest-bearing account for Egypt.

(3) Funds appropriated under the heading ''Economic Support Fund'' in this Act and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprises with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: Provided, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: Provided further, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the joint explanatory statement accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): Provided further, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement

between the United States and Egypt: Provided further, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt is implementing economic development policies consistent with the objectives of such initiative: Provided further, That funds made available for such initiative shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) ENTERPRISE FUNDS.—Up to $60,000,000 of funds appropriated under the heading ''Economic Support Fund'' in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to $20,000,000 of such funds that are available for assistance for Tunisia, and up to $60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, and Jordan, respectively: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b), (c), (d)(3), and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: Provided further, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: Provided further, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: Provided further, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: Provided further, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund's activities during the previous year: Provided further, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: Provided further, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading ''Export-Import Bank of the United States'' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the date in subsection (c)(1) shall be deemed to be ''September 30, 2012''.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the cost-matching and other requirements in the Department of State's April 9, 2009 ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated by this Act under titles III and VI for assistance for Iraq may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) Funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'' shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(5)(A) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in title VIII of this Act that are made available for security and provincial operations for the Department of State in Iraq, 15 percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing—

(i) an assessment of the security environment in Iraq with respect to facilities and personnel, and the anticipated impact of the withdrawal of United States Armed Forces in Iraq on such environment, on a facility-by-facility basis;

(ii) an assessment of the security requirements at each facility, and the estimated cost of sustaining such requirements over the next 3 fiscal years;

(iii) the types of military equipment to be used to meet the security requirements at each facility;

(iv) the number of United States Government personnel anticipated at each facility, a general description of the duties of such personnel, and the number and cost of contractors anticipated at each facility required for operational and other support; and

(v) a description of contingency plans, including evacuation, at each facility for United States Government personnel and contractors.

(B) The report required by this paragraph may be submitted in classified form, if necessary.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for the Lebanese Armed Forces (LAF) if the LAF is controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

(2) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State submits a detailed spend plan to the Committees on Appropriations, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2012: Provided further, That the Secretary of State shall regularly consult with the Committees on Appropriations on the activities of the LAF and assistance provided by the United States: Provided further, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the actions taken to ensure that equipment provided to the LAF is used for intended purposes.

(3) Funds appropriated by this Act under titles III and VI for assistance for Lebanon may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(f) LIBYA.—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, up to $20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students and professionals: Provided, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis: Provided further, That none of the funds appropriated by this Act may be made available for assistance for Libya for infrastructure projects, except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Prior to the obligation of funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Morocco, the Secretary of State shall submit a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria, a portion of which should be programmed in consultation with governments in the region, as appropriate.

(i) YEMEN.—None of the funds appropriated by this Act may be made available for the Armed Forces of Yemen if such forces are controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

AFRICA

SEC. 7043. (a) CONFLICT MINERALS.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda or Uganda unless the Secretary of State has credible information that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect humanitarian relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations or to conduct operations against the Lord's Resistance Army.

(b) COUNTERTERRORISM PROGRAMS.—Of the funds appropriated by this Act, not less than $52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than $21,300,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated by this Act under the heading ''Global Health Programs'' for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings ''Economic Support Fund'' and ''Transition Initiatives'' to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on anti-retroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: Provided, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to the Committees on Appropriations on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations, counterterrorism operations along the border with Somalia, and for assistance to the Ethiopian Defense Command and Staff College.

(f) SUDAN LIMITATION ON ASSISTANCE.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(3) The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan/Nuba Mountains State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(g) SOUTH SUDAN.—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: Provided, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve resource management and ensure transparency and accountability of funds.

(h) UGANDA.—Funds appropriated by this Act should be made available for programs and activities in areas affected by the Lord's Resistance Army.

(i) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(j) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7044. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the appropriate international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the

State Peace and Development Council, or its successor, and its affiliated organizations: Provided, That such funds shall be made available for programs along Burma's borders and for Burmese groups and organizations located outside Burma, and may be made available to support programs in Burma: Provided further, That in addition to assistance for Burmese refugees appropriated under the heading ''Migration and Refugee Assistance'' in this Act, funds shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in Senate Report 112–85.

(e) NORTH KOREA.—None of the funds made available by this Act under the heading ''Economic Support Fund'' may be made available for energy-related assistance for North Korea.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in Senate Report 112–85.

(h) VIETNAM.—Funds appropriated under the heading ''Economic Support Fund'' shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and funds under the heading ''Development Assistance'' shall be made available for related health/disability activities.

WESTERN HEMISPHERE

SEC. 7045. (a) COLOMBIA.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking, illegal armed groups, and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations: Provided further, That such aircraft may also be used to provide transport in support of alternative development programs and investigations by civilian judicial authorities: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, or other illegal armed group in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad or successor organizations: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That any complaints of harm to health or licit crops caused by aerial eradication shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims: Provided further, That funds may not be made available for aerial eradication unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) COLOMBIAN ARMED FORCES.—Of the funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, 25 percent may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a report to, the Committees on Appropriations that the Government of Colombia and Colombian Armed Forces are meeting the conditions that appear under this Section in the joint explanatory statement accompanying this Act: Provided, That the requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading ''International Narcotics Control and Law Enforcement'' in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State: Provided further, That not less than 30 days prior to making the certification the Secretary of State shall consult with Colombian and international human rights organizations.

(3) ILLEGAL ARMED GROUPS.—

(A) DENIAL OF VISAS.—Subject to paragraph (B), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible information—

(i) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or other illegal armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(ii) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of human rights in Colombia.

(B) WAIVER.—Paragraph (A) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(b) GUATEMALA.—Funds appropriated by this Act under the headings ''International Military Education and Training'' (IMET) and ''Foreign Military Financing Program'' that are available for assistance for Guatemala may be made available only for the Guatemalan Air Force, Navy, and Army Corps of Engineers: Provided, That expanded IMET may be made available for assistance for the Guatemalan Army.

(c) HAITI.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) HONDURAS.—Prior to the obligation of 20 percent of the funds appropriated by this Act that are available for assistance for Honduran military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Honduras is implementing policies to protect freedom of expression and association, and due process of law; and is investigating and prosecuting in the civilian justice system, in accordance with Honduran and international law, military and police personnel who are credibly alleged to have violated human rights, and the Honduran military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(e) MEXICO.—Prior to the obligation of 15 percent of the funds appropriated by this Act that are available for assistance for Mexican military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Mexico is investigating and prosecuting in the civilian justice system, in accordance with Mexican and international law, military and police personnel who are credibly alleged to have violated human rights; is enforcing prohibitions on the use of testimony obtained through torture; and the Mexican military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(f) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including

fuel, of aircraft funded by this Act should be borne by the recipient country.

SOUTH ASIA

SEC. 7046. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies to the Committees on Appropriations that—

(A) The funds will be used to design and support programs in accordance with the June 2011 ''Administrator's Sustainability Guidance for USAID in Afghanistan''.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources;

(ii) taking credible steps to protect the human rights of Afghan women; and

(iii) taking significant steps to facilitate active public participation in governance and oversight.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(B) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social wellbeing, and political status, and protects the rights of, Afghan women and girls and complies with sections 7060 and 7061 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led organizations;

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: Provided, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism; and

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(C) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(D)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $50,000,000 shall be made available for rule of law programs: Provided, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: Provided further, That $250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(E) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(F) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the International Monetary Fund (IMF) country program for Afghanistan including actions requested by the IMF and taken by the Government of Afghanistan to address the Kabul Bank crisis and restore confidence in Afghanistan's banking sector.

(H) Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961.

(3) OVERSIGHT.—The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(b) NEPAL.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions of violations of human rights by civilian judicial authorities; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) CERTIFICATION.—

(A) None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'' for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

(i) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(ii) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(iii) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(iv) preventing the proliferation of nuclear-related material and expertise;

(v) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(vi) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(B) The Secretary of State may waive the requirements of paragraph (A) if to do so is in the national security interests of the United States.

(2) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(B) Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan should be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices, including calcium ammonium nitrate; to support programs to train border and customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan, $10,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(D) Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan may be made available for the Chief of Mission Fund, as authorized by section 101(c)(5) of Public Law 111–73.

(E) Funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(F) Funds appropriated by this Act under titles III and VI for assistance for Pakistan may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(3) REPORTS.—

(A)(i) The spend plan required by section 7078 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering development in Pakistan, countering extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: Provided, That such benchmarks may incorporate those required in title III of Public Law 111–73, as appropriate: Provided further, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in the spend plan.

(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by paragraph (A)(i) indicates that Pakistan is failing to make measurable progress in meeting these goals or benchmarks.

(B) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power.

(2) Paragraph (1) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (1), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (1)(D), (E), and (F) of this subsection.

(e) REGIONAL CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan and Pakistan may be provided notwithstanding any other provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7047. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7048. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7049. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading ''International Organizations and Programs'' in title V of this Act that are available for contributions to any United Nations agency or to the Organization of American States, 15 percent shall be withheld from obligation for such agency or organization if the Secretary of State determines and reports to the Committees on Appropriations that the agency or organization is not taking steps to—

(A) publish on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of the agency or organization, and provide the United States Government with necessary access to such financial and performance audits; and

(B) implement best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(2) The Secretary may waive the restriction in this subsection if the Secretary determines and reports that to do so is in the national interest of the United States.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restrictions in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—Funds appropriated by this Act may be made available for voluntary contributions or payment of United States assessments in support of the United Nations Human Rights Council if the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is in the national interest of the United States: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2012, on the resolutions considered in the United Nations Human Rights Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151) under the heading ''Migration and Refugee Assistance'' in title XI shall apply to funds made available by this Act under such heading.

(e) UNITED NATIONS CAPITAL MASTER PLAN.—None of the funds made available in this Act for the United Nations Capital Master Plan may be used for the design, renovation, or construction of the United Nations Headquarters in New York in excess of the United States payment for the assessment agreed upon pursuant to paragraph 10 of United Nations General Assembly Resolution 61/251.

(f) REPORTING REQUIREMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriation detailing the amount of funds available for obligation or expenditure in fiscal year 2012 under the headings ''Contributions to International Organizations'' and ''International Organizations and Programs'' that are withheld from obligation or expenditure due to any provision of law: Provided, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: Provided further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7050. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: Provided, That the date ''September 30, 2009'' in subsection (f)(2)(B) shall be deemed to be ''September 30, 2011''.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7056. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 15 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL HEALTH MANAGEMENT.—

(1) Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations an analysis of short and long-term costs, to include potential cost savings or increases, associated with transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID: Provided, That such report shall also assess any programmatic advantages and disadvantages, including the ability to achieve results, of making such a transition.

(2)(A) Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following—

(i) the metrics developed to measure progress in meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics; and

(ii) the status of, and estimated completion date for, meeting each benchmark.

(B) Within 90 days of submitting the initial report required by subparagraph (A), and each 90 days thereafter until the GHI transition is completed, an update shall be provided to the Committees on Appropriations on the status of meeting each benchmark: Provided, That if as part of any such update it is determined that the QDDR target date of September 2012 will not be met, the Secretary of State, in consultation with the USAID Administrator, shall submit a detailed explanation of the delay and a revised target date for the transition to be completed.

(c) GLOBAL FUND REFORMS.—

(1) Of funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that—

(A) the Global Fund is maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(B) the Global Fund is providing sufficient resources to maintain an independent OIG that—

(i) reports directly to the Board of the Global Fund;

(ii) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(iii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents; and

(C) the Global Fund maintains an effective whistleblower policy to protect whistleblowers from retaliation, including confidential procedures for reporting possible misconduct or irregularities.

(2) The withholding required by this subsection shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2012 pursuant to the application of any other provision contained in this or any other Act.

(d) PANDEMIC RESPONSE.—If the President determines and reports to the Committees on Appropriations that a pandemic virus is efficient and sustained, severe, and is spreading internationally, funds made available under titles III, IV, and VIII in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat such virus: Provided, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7059. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7060. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7061. (a) Funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for gender-based violence prevention and response efforts, and funds appropriated under the headings ''International Disaster Assistance'', ''Complex Crises Fund'', and ''Migration and Refugee Assistance'' should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons.

SECTOR ALLOCATIONS

SEC. 7062. (a) BASIC AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated by title III of this Act, not less than $800,000,000 shall be made available for assistance for basic education, of which not less than $288,000,000 should be made available under the heading ''Development Assistance''.

(B) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(C) Funds appropriated by title III of this Act for basic education may be made available for a contribution to the Global Partnership for Education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $200,000,000 shall be made available for assistance for higher education, of which $25,000,000 shall be to support such programs in Africa, including for partnerships between higher education institutions in Africa and the United States.

(b) DEVELOPMENT GRANTS PROGRAM.—Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), primarily for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: Provided, That funds made available under this subsection are in addition to other funds available for such purposes including funds designated by this Act by subsection (f).

(c) ENVIRONMENT PROGRAMS.—

(1) IN GENERAL.—Of the funds appropriated by this Act, not less than $1,250,000,000 should be made available for programs and activities to protect the environment.

(2) CLEAN ENERGY PROGRAMS.—The limitation in section 7081(b) of division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the proviso contained in such section shall not apply.

(3) ADAPTATION PROGRAMS.—Funds appropriated by this Act may be made available for United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities.

(4) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, and shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests: Provided, That funds that are available for the Central African Regional Program for the Environment and other tropical forest programs in the Congo Basin for the United States Fish and Wildlife Service (USFWS) shall be apportioned directly to the USFWS: Provided further, That funds made available for the Department of the Interior (DOI) for programs in the Guatemala Mayan Biosphere Reserve shall be apportioned directly to the DOI.

(5) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support environment programs.

(6) CONSULTATION.—Funds made available pursuant to this subsection are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(7) EXTRACTION OF NATURAL RESOURCES.—

(A) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of Public Law 110–246 and the Kimberley Process Certification Scheme, and providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(B)(i) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(I) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(II) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(III) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(ii) The requirements of subparagraph (i) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(8) CONTINUATION OF PRIOR LAW.—Section 7081(g)(2) and (4) of division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act.

(d) FOOD SECURITY AND AGRICULTURE DEVELOPMENT.—Of the funds appropriated by title III of this Act, $1,170,000,000 should be made available for food security and agriculture development programs, of which $31,500,000 shall be made available for Collaborative Research Support Programs: Provided, That such funds may be made available notwithstanding any other provision of law to address food shortages, and may be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) RECONCILIATION PROGRAMS.—(1) Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

(2) Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $10,000,000 should be made available for a ''New Generation in the Middle East'' initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.

(g) TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', and ''Assistance for Europe, Eurasia and Central Asia'' not less than $36,000,000 shall be made available for activities to combat trafficking in persons internationally.

(h) WATER.—Of the funds appropriated by this Act, not less than $315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(i) WOMEN'S LEADERSHIP CAPACITY.—Of the funds appropriated by title III of this Act, not less than $20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

(j) NOTIFICATION REQUIREMENTS.—Authorized deviations from funding levels contained in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

CENTRAL ASIA

SEC. 7063. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): Provided, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: Provided further, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: Provided further, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

REQUESTS FOR DOCUMENTS

SEC. 7064. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7065. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2012.

INTERNATIONAL PRISON CONDITIONS

SEC. 7066. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing—

(1) conditions in prisons and other detention facilities in at least 25 countries whose governments receive United States assistance and which the Secretary determines raise serious human rights or humanitarian concerns; and

(2) the extent to which such governments are taking steps to eliminate such conditions.

(b) For purposes of each determination made pursuant to subsection (a), the Secretary shall consider the criteria listed in section 7085(b)(1) through (10) of division F of Public Law 111–117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

PROHIBITION ON USE OF TORTURE

SEC. 7067. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act that are identified in the Department of State's most recent Country Reports on Human Rights Practices.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the

possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7069. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7070. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b)(1) Of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) The terms and conditions of sections 7086(b)(1) and (2) and 7090(a) of division F of Public Law 111–117 shall apply to this Act.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(c) The Secretary of the Treasury shall seek to ensure that the IMF is implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7072. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7073. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

DISABILITY PROGRAMS

SEC. 7074. Funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, and shall also be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries: Provided, That of the funds made available by this section, up to 7 percent may be for management, oversight, and technical support.

ENTERPRISE FUNDS

SEC. 7075. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and no such funds may be available except through the regular notification procedures of the Committees on Appropriations.

CONSULAR AFFAIRS

SEC. 7076. (a) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers to include limited non-career appointment officers, in the People's Republic of China, Brazil, and India to reduce the wait time to interview visa applicants who have submitted applications.

(b) The Secretary of State shall conduct a risk and benefit analysis regarding the extension of the expiration period for B–1 or B–2 visas for visa applicants before requiring a consular officer interview and, unless such analysis finds that risks outweigh benefits, develop a plan to extend such expiration period in a manner consistent with maintaining security controls.

(c) The Secretary of State may develop and conduct a pilot program for the processing of B–1 and B–2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants: Provided, That any such pilot should be developed in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption: Provided further, That no pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

PROCUREMENT REFORM

SEC. 7077. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (USAID) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other acquisition instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the USAID Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: Provided, That the authority provided in this section may not be used to make awards in excess of $5,000,000 and shall not exceed more than 10 percent of the funds made available to USAID under this Act for assistance programs: Provided further, That such authority shall be available to support a pilot program with such funds: Provided further, That the USAID Administrator shall consult with the Committees on Appropriations and relevant congressional committees on the results of such pilot program.

(b) For the purposes of this section, local entity means an individual, a corporation, a nonprofit organization, or another body of persons that—

(1) is legally organized under the laws of;

(2) has as its principal place of business or operations in; and

(3) either is—

(A) majority owned by individuals who are citizens or lawful permanent residents of; or

(B) managed by a governing body the majority of whom are citizens or lawful permanent residents of;

a country receiving assistance from funds appropriated under title III of this Act.

(c) For purposes of this section, ''majority owned'' and ''managed by'' include, without limitation, beneficiary interests and the power, either directly or indirectly, whether exercised or exercisable, to control the election, appointment, or tenure of the organization's managers or a majority of the organization's governing body by any means.

OPERATING AND SPEND PLANS

SEC. 7078. (a) OPERATING PLANS.—Not later than 30 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan for the following—

(1) funds appropriated under the heading ''Democracy Fund'';

(2) funds made available in titles III and IV of this Act for assistance for Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and for the Central American Regional Security Initiative;

(3) funds made available for assistance for countries or programs and activities referenced in—

(A) section 7040;

(B) section 7041(a), (e), (f), and (i);

(C) section 7043(b);

(D) section 7046(a) and (c); and

(4) funds appropriated in title III for food security and agriculture development programs and for environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

RESCISSIONS

SEC. 7079. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $13,700,000 are rescinded, of which $8,000,000 shall be from funds for Worldwide Security Protection: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $400,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading ''Economic Support Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $100,000,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations at least 15 days prior to implementing the rescissions made in this section.

SPECIAL DEFENSE ACQUISITION FUND

(INCLUDING LIMITATION ON OBLIGATIONS)

SEC. 7080. (a) TRANSFER.—Of the funds made available pursuant to the last proviso in the second paragraph under the heading ''Foreign Military Financing Program'' in this Act, up to $100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

(b) LIMITATION ON OBLIGATIONS.—Not to exceed $100,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2015: Provided, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7081. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

''The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

"SEC. 70. CAPITAL STOCK INCREASES.

''(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

''(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

''(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

''(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

''(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, $9,780,361,991 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

''(A) $586,821,720 shall be for paid in shares of the Bank; and

''(B) $9,193,540,271 shall be for callable shares of the Bank.''.

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84–350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

''(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by $130,000,000.

''(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.''.

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 41. NINTH CAPITAL INCREASE.

''(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by $70,000,000,000 as described in Resolution AG–7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

''(b) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, $21,004,064,337 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $510,090,175 shall be for paid in shares of the Bank; and

''(B) $20,493,974,162 shall be for callable shares of the Bank.''.

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 1344. SIXTH CAPITAL INCREASE.

''(a) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,322,228,221 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $259,341,759 shall be for paid in shares of the Bank; and

''(B) $4,062,886,462 shall be for callable shares of the Bank.''.

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 290l et seq.), is further amended by adding at the end thereof the following new paragraph:

''(12) CAPITAL INCREASE.—

''(A) SUBSCRIPTION AUTHORIZED.—

''(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

''(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to $1,252,331,952 for payment by the Secretary of the Treasury.''.

REFORMS RELATED TO GENERAL CAPITAL INCREASES

SEC. 7082. (a) REFORMS.—Funds appropriated by this Act may not be disbursed for a United States contribution to the general capital increases of the International Bank for Reconstruction and Development (World Bank), the African Development Bank (AfDB), or the Inter-American Development Bank (IDB) until the Secretary of the Treasury reports to the Committees on Appropriations that such institution, as appropriate, is making substantial progress toward the following—

(1) implementing specific reform commitments agreed to by the World Bank and the AfDB as described in the Pittsburgh Leaders' Statement issued at the Pittsburgh G20 Summit in September 2009 concerning sound finances, effective management and governance, transparency and accountability, focus on core mission, and results;

(2) implementing specific reform commitments agreed to by the IDB in Resolution AG–7/10 ''Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank'' as approved by the Governors on July 12, 2010, including transfers of at least $200,000,000 annually to a grant facility for Haiti;

(3) implementing procurement guidelines that maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for borrowers;

(4) implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation;

(5) requiring that each candidate for budget support or development policy loans provide an assessment of reforms needed to budgetary and procurement processes to encourage transparency, including budget publication and public scrutiny, prior to loan approval;

(6) making publicly available external and internal performance and financial audits of such institution's projects on the institution's Web site;

(7) adopting policies concerning the World Bank's proposed Program for Results (P4R) to: limit P4R to no more than 5 percent of annual World Bank lending as a pilot for a period of not less than two years; require that projects with potentially significant adverse social or environmental impacts and projects that affect indigenous peoples are either excluded from P4R or subject to the World Bank's own policies; require that at the close of the pilot there will be a thorough, independent evaluation, with input from civil society and the private sector, to provide guidance concerning next steps for the pilot; and fully staff the World Bank Group's Integrity Vice Presidency, with agreement from Borrowers on the World Bank's jurisdiction and authority to investigate allegations of fraud and corruption in any of the World Bank's lending programs including P4R; and

(8) concerning the World Bank, strengthening the public availability of information regarding International Finance Corporation (IFC) subprojects when the IFC is funding a financial intermediary, including—

(A) requiring that higher-risk subprojects comply with the relevant Performance Standard requirements; and

(B) agreeing to periodically disclose on the IFC Web site a listing of the name, location, and sector of high-risk subprojects supported by IFC investments through private equity funds.

(b) REPORT.—Not later than 180 days after enactment of this Act and every 6 months thereafter until September 30, 2013, the Secretary of the Treasury shall submit to the Committees on Appropriations a report detailing the extent to which each institution has continued to make progress on each policy goal listed in subsection (a).

AUTHORITY FOR REPLENISHMENTS

SEC. 7083. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 26. SIXTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,075,500,000 for payment by the Secretary of the Treasury.

''SEC. 27. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $474,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 221. TWELFTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.

''SEC. 222. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7084. Up to $36,000,000 of funds appropriated for the account ''Department of the Treasury, Debt Restructuring'' by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

UNITED NATIONS POPULATION FUND

SEC. 7085. (a) CONTRIBUTION.—Of the funds made available under the heading ''International Organizations and Programs'' in this Act for fiscal year 2012, $35,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health Programs'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

LIMITATIONS

SEC. 7086. (a)(1) None of the funds appropriated under the heading ''Economic Support Fund'' in this Act may be made available for assistance for the Palestinian Authority if the Palestinians obtain, after the date of enactment of this Act, the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.

(2) The Secretary of State may waive the restriction in paragraph (1) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of

the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(b)(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(2) Not less than 90 days after the President is unable to make the certification pursuant to subsection (b)(1), the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: Provided, That any waiver of the provisions of section 1003 of Public Law 100–204 under paragraph (1) of this subsection or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(3) Any waiver pursuant to this subsection shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7087. If the Executive Branch makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/ GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $4,389,064,000, to remain available until September 30, 2013, of which $236,201,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to $230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONFLICT STABILIZATION OPERATIONS

For an additional amount for ''Conflict Stabilization Operations'', $8,500,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $67,182,000, to remain available until September 30, 2013, of which $19,545,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', as authorized, $15,600,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $33,000,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $101,300,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $4,400,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED PROGRAMS

UNITED STATES INSTITUTE OF PEACE

For an additional amount for ''United States Institute of Peace'', $8,411,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $255,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,500,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $150,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $6,554,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for ''Complex Crises Fund'', $30,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,761,462,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $229,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $1,552,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $983,605,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $120,657,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced

Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $81,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $1,102,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $850,000,000, to remain available until September 30, 2013, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: Provided, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: Provided further, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: Provided further, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: Provided further, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: Provided further, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: Provided further, That any required notification or report may be submitted in classified form: Provided further, That the amount in this paragraph is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Funds appropriated by this title under the headings ''International Disaster Assistance'', ''Transition Initiatives'', ''Complex Crises Fund'', ''Economic Support Fund'', ''Migration and Refugee Assistance'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'', ''Peacekeeping Operations'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'', may be transferred to, and merged with, funds appropriated by this title under such headings: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

SEC. 8004. If authorized during fiscal year 2012, there shall be established in the Treasury of the United States the ''Global Security Contingency Fund'' (the Fund): Provided, That notwithstanding any provision of law, during the current fiscal year, not to exceed $50,000,000 from funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'' under title VIII of this Act may be transferred to the Fund: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of State, and shall be subject to prior consultation with the Committees on Appropriations: Provided further, That the Secretary of State shall, not later than 15 days prior to making any such transfer, notify the Committees on Appropriations in accordance with the regular notification procedures of the Committees on Appropriations, including the source of funds and a detailed justification, implementation plan, and timeline for each proposed project: Provided further, That, notwithstanding any provision of law, the requirements of this section, including the amount and source of transferred funds, shall apply to any transfer or other authority relating to the Fund enacted subsequent to the enactment of this Act unless such subsequently enacted provision of law specifically references this section.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012''.

And the Senate agree to the same.

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
RODNEY P. FRELINGHUYSEN,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
KAY GRANGER,
MICHAEL K. SIMPSON,
JOHN ABNEY CULBERSON,
ANDER CRENSHAW,
DENNY REHBERG,
JOHN R. CARTER,
NORMAN D. DICKS,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
JAMES P. MORAN,
DAVID E. PRICE,
SANFORD D. BISHOP.

Managers on the part of the House.

TIM JOHNSON,
DANIEL K. INOUYE,
MARY LANDRIEU,
PATTY MURRAY,
JACK REED,
BEN NELSON,
MARK PRYOR,
PATRICK J. LEAHY,
KAY BAILEY HUTCHISON,
LISA MURKOWSKI,
ROY BLUNT,
JOHN HOEVEN,
THAD COCHRAN.

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending september 30, 2012, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Department of Defense Appropriations Act, 2012; the Energy and Water Development Appropriations Act, 2012; the Financial Services and General Government Appropriations Act, 2012; the Department of Homeland Security Appropriations Act, 2012; the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012; the Legislative Branch Appropriations Act, 2012; the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012; and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012.

The conference agreement includes a provision stating that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism is contingent on the President so designating all such amounts and transmitting such designations to Congress. the provision is consistent with new requirements enacted in the Budget Control Act of 2011 for Overseas Contingency Operations/Global War on Terrorism designations by the President.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The conference agreement on the Department of Defense Appropriations Act, 2012, incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in House Report 112–110 and Senate Report 112–77 shall be complied with unless specifically addressed to the contrary in the accompanying bill and explanatory statement.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the terms program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2012, the related

classified annexes and explanatory statements, and the P–1 and R–1 budget justification documents as subsequently modified by congressional action. The following exception to the above definition shall apply: for the military personnel and the operation and maintenance accounts, for which the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits the budget for fiscal year 2013, the Department of Defense is directed to transmit to the congressional defense committees budget justification documents to be known as the ''M–1'' and ''O–1'' which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2013.

In carrying out any Presidential sequestration, the Department of Defense and related agencies shall conform to the definition for ''program, project, and activity'' set forth above except that military personnel accounts will be exempt from sequestration per the notification made by the Director of the Office of Management and Budget on August 10, 2011.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the accompanying classified annex.

CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase ''only for'' or ''only to'' are congressional special interest items for purposes of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in these materials.

REPROGRAMMING GUIDANCE

The Department of Defense is directed to continue to follow the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (H.R. 110–279). For operation and maintenance accounts, the Department of Defense shall continue to follow the reprogramming guidelines specified in the conference report accompanying H.R. 3222, the Department of Defense Appropriations Act, 2008, which are also expressed under title II of this statement. The dollar threshold for reprogramming funds shall remain at $15,000,000 for operation and maintenance; $20,000,000 for procurement; and $10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense (Comptroller) is directed to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles I, II, III, and IV of this Act. Reports for titles III and IV shall comply with guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of an operation and maintenance (O–1), a procurement (P–1), or a research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

FUNDING INCREASES

The funding increases outlined in the tables for each appropriation account shall be provided only for the specific purposes indicated in the tables.

TITLE I—MILITARY PERSONNEL

The conference agreement provides $131,090,539,000 in Title I, Military Personnel, instead of $132,092,225,000 as proposed by the House and $131,000,559,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
RECAPITULATION		
MILITARY PERSONNEL, ARMY	43,596,949	43,298,409
MILITARY PERSONNEL, NAVY	27,154,384	26,803,334
MILITARY PERSONNEL, MARINE CORPS	13 573,546	13,635 136
MILITARY PERSONNEL, AIR FORCE	28 304,432	28 096 708
RESERVE PERSONNEL, ARMY	4,386,077	4,289,407
RESERVE PERSONNEL, NAVY	1,960,634	1,935,544
RESERVE PERSONNEL, MARINE CORPS	653,212	644,722
RESERVE PERSONNEL, AIR FORCE	1,729,823	1,712,705
NATIONAL GUARD PERSONNEL, ARMY	7,623,335	7,585,645
NATIONAL GUARD PERSONNEL, AIR FORCE	3,114,149	3,088,929
GRAND TOTAL, MILITARY PERSONNEL	132,096,541	131,090,539

SUMMARY OF MILITARY PERSONNEL END STRENGTH

	Fiscal Year 2011 Authorized	Fiscal Year 2012 Budget Request	Fiscal Year 2012 Recommendation	Fiscal Year 2012 Change from Request
Active Forces (End Strength)				
Army*	569,400	562,000	562,000	-
Navy	328,700	325,700	325,700	-
Marine Corps	202,100	202,100	202,100	-
Air Force	332,200	332,800	332,800	-
Total, Active Forces	**1,432,400**	**1,422,600**	**1,422,600**	**0**
Guard and Reserve Forces (End Strength)				
Army Reserve	205,000	205,000	205,000	-
Navy Reserve	65,500	66,200	66,200	-
Marine Corps Reserve	39,600	39,600	39,600	-
Air Force Reserve	71,200	71,400	71,400	-
Army National Guard	358,200	358,200	358,200	-
Air National Guard	106,700	106,700	106,700	-
Total, Selected Reserve	**846,200**	**847,100**	**847,100**	**0**
Total, Military Personnel	**2,278,600**	**2,269,700**	**2,269,700**	**0**

*Army Active Forces end strength includes the Temporary End Strength Increase of 14,600 troops

SUMMARY OF GUARD AND RESERVE FULL-TIME SUPPORT

	Fiscal Year 2011 Authorized	Fiscal Year 2012		
		Budget Request	Recommendation	Change from Request
Army Reserve.				
AGR	16,261	16,261	16,261	-
Technicians	8,395	8,395	8,395	-
Navy Reserve:				
AR	10,688	10,337	10,337	-
Marine Corps Reserve:				
AR	2,261	2,261	2,261	-
Air Force Reserve:				
AGR	2,992	2,662	2,662	-
Technicians	10,720	10,777	10,777	-
Army National Guard:				
AGR	32,060	32,060	32,060	-
Technicians	27,210	27,210	27,210	-
Air National Guard:				
AGR	14,584	14,833	14,833	-
Technicians	22,394	22,509	22,509	-
Totals:				
AGR/AR	78,846	78,414	78,414	0
Technicians	68,719	68,891	68,891	0
Total, Full-Time Support	**147,565**	**147,305**	**147,305**	**0**

MILITARY PERSONNEL ANTI-DEFICIENCY ACT VIOLATIONS

Since 2001, the Department of Defense has had 11 violations of the Anti-Deficiency Act (ADA) in its military personnel accounts. The conferees recognize the uncertainty that exists in the military personnel accounts due to their entitlement nature and the fact that resource requirements are driven by millions of individual and organizational personnel decisions. To further complicate management of these accounts, a significant number of obligations are incurred in the fourth quarter of the fiscal year. The conferees recognize the Department's efforts to improve the management and oversight of these accounts, but remain concerned over the Department's failure to adequately manage the military personnel budgets.

Therefore, the recommendation includes a new general provision requiring the Inspector General of the Department of Defense to conduct a review of military personnel ADA violations and their causes. Based on the findings of the review, the Inspector General shall submit to the congressional defense committees a report examining the Department's budgeting and oversight of the military personnel accounts, including recommendations for corrective actions to avoid additional ADA violations going forward. This report should be submitted to the congressional defense committees not later than 180 days after enactment of this Act.

RESERVE COMPONENT BUDGET STRUCTURE

The conferees direct each of the reserve components to provide a semi-annual detailed report to the congressional defense committees showing transfers between subactivities within the military personnel appropriation accounts. Reports shall be submitted not later than 30 days following the end of the second quarter and 30 days following the end of the fiscal year.

EXCESS BAGGAGE FEES FOR SERVICEMEMBERS

The conferees are concerned by recent incidents in which servicemembers on military orders deploying to or returning from overseas contingency operations on commercial airlines have been charged excess baggage fees. In some instances, servicemembers were asked to pay out of their own pockets for charges placed on checked baggage carrying U.S. military equipment and not personal effects. Servicemembers make great sacrifices to serve their country in dangerous wartime conditions. They should not be asked to endure personal financial hardships as a result of traveling to and from overseas deployments.

Although the Department of Defense states that it has the authority to pay for excess baggage fees and to reimburse servicemembers for any fees they have paid, the conferees firmly believe that servicemembers should not be burdened with out-of-pocket expenses at all. The conferees strongly encourage the Department to avoid entering into contract agreements with airlines that charge excess baggage fees to servicemembers who are traveling on military orders and are being deployed to or returning from overseas contingency operations. In addition, the Secretary of Defense is directed to submit a report to the congressional defense committees not later than 90 days after enactment of this Act on measures being taken that will prevent servicemembers from having to pay out-of-pocket costs on checked baggage in such instances.

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
50	MILITARY PERSONNEL, ARMY		
100	ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
150	BASIC PAY	6,661 748	6,661,748
200	RETIRED PAY ACCRUAL	2,281,003	2,281,003
250	BASIC ALLOWANCE FOR HOUSING	1,943,067	1,943 067
300	BASIC ALLOWANCE FOR SUBSISTENCE	263,635	263,635
350	INCENTIVE PAYS	101,439	101,439
400	SPECIAL PAYS	333,397	333,397
450	ALLOWANCES	215,169	215,169
500	SEPARATION PAY	57,643	57,643
550	SOCIAL SECURITY TAX	506,640	506,640
600	TOTAL, BUDGET ACTIVITY 1	12,363,741	12,363,741
650	ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
700	BASIC PAY	14,014,149	14,014,149
750	RETIRED PAY ACCRUAL	4,804,856	4,804,856
800	BASIC ALLOWANCE FOR HOUSING	4,887,446	4,887,446
850	INCENTIVE PAYS	106,737	106,737
900	SPECIAL PAYS	1,011,026	819,026
950	ALLOWANCES	841,913	841,913
1000	SEPARATION PAY	269,392	269,392
1050	SOCIAL SECURITY TAX	1,072,082	1,072,082
1100	TOTAL, BUDGET ACTIVITY 2	27,007,601	26,815,601
1150	ACTIVITY 3 PAY AND ALLOWANCES OF CADETS		
1200	ACADEMY CADETS	76,314	76,314
1250	ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
1300	BASIC ALLOWANCE FOR SUBSISTENCE	1,320,077	1,320,077
1350	SUBSISTENCE-IN-KIND	770,190	770,190
1400	FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,466	1,466
1450	TOTAL, BUDGET ACTIVITY 4	2,091,733	2,091,733

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
1500	ACTIVITY 5 PERMANENT CHANGE OF STATION		
1550	ACCESSION TRAVEL	209,465	209,465
1600	TRAINING TRAVEL	147 724	147,724
1650	OPERATIONAL TRAVEL	493,242	493,242
1700	ROTATIONAL TRAVEL	668,440	668,440
1750	SEPARATION TRAVEL	240,342	240,342
1800	TRAVEL OF ORGANIZED UNITS	9,247	9,247
1850	NON-TEMPORARY STORAGE	11,406	11,406
1900	TEMPORARY LODGING EXPENSE	71,459	71,459
1950	TOTAL, BUDGET ACTIVITY 5	1,851,325	1,851,325
2000	ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
2050	APPREHENSION OF MILITARY DESERTERS	1,829	1,829
2100	INTEREST ON UNIFORMED SERVICES SAVINGS	648	648
2150	DEATH GRATUITIES	65,100	65,100
2200	UNEMPLOYMENT BENEFITS	196,569	196,569
2210	SURVIVOR BENEFITS	1,125	---
2250	EDUCATION BENEFITS	12,845	12,845
2300	ADOPTION EXPENSES	430	430
2350	TRANSPORTATION SUBSIDY	14,976	14,976
2400	PARTIAL DISLOCATION ALLOWANCE	422	422
2450	RESERVE OFFICERS TRAINING CORPS (ROTC)	121,141	121,141
2500	JUNIOR ROTC	36,401	36,401
2510	PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	---	1,125
2550	TOTAL, BUDGET ACTIVITY 6	451,486	451,486
2600	LESS REIMBURSABLES	-245,251	-245,251
2650	UNDISTRIBUTED ADJUSTMENT	---	-106,540
2700	TOTAL, ACTIVE FORCES, ARMY	43,596,949	43,298,409
6300	TOTAL, MILITARY PERSONNEL, ARMY	43,596,949	43,298,409

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
SPECIAL PAYS	**1,011,026**	**819,026**
Enlistment Bonuses - Army Referral Bonus Excess to Requirement		-21,000
Enlistment Bonuses - Army Identified Excess to Requirement		-73,000
Re-enlistment Bonuses - Army Identified Excess to Requirement		-40,000
Education Benefits - Army Identified Excess to Requirement		-58,000
BA-6: OTHER MILITARY PERSONNEL COSTS		
SURVIVOR BENEFITS	**1,125**	**0**
Army requested transfer to Preventive Health Allowance Demonstration Project		-1,125
PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT		**1,125**
Army requested transfer from Survivor Benefits		1,125
UNDISTRIBUTED ADJUSTMENTS		**-106,540**
Unobligated/Unexpended Balances		-16,540
Undistributed Transfer to title IX		-90,000

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MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
6400 MILITARY PERSONNEL, NAVY		
6450 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
6500 BASIC PAY	3,815,973	3 815,973
6550 RETIRED PAY ACCRUAL	1 307,307	1,307,307
6600 BASIC ALLOWANCE FOR HOUSING	1,346 794	1,346 794
6650 BASIC ALLOWANCE FOR SUBSISTENCE	146,021	146,021
6700 INCENTIVE PAYS	153,376	153,376
6750 SPECIAL PAYS	411,258	411,258
6800 ALLOWANCES	106,422	106,422
6850 SEPARATION PAY	34,098	34,098
6900 SOCIAL SECURITY TAX	290,117	290,117
6950 TOTAL, BUDGET ACTIVITY 1	7,611,366	7,611,366
7000 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
7050 BASIC PAY	8,392,897	8,392,897
7100 RETIRED PAY ACCRUAL	2,878,334	2,878,334
7150 BASIC ALLOWANCE FOR HOUSING	3,902,086	3,902,086
7200 INCENTIVE PAYS	104,846	104,846
7250 SPECIAL PAYS	749,564	749,564
7300 ALLOWANCES	515,986	515,986
7350 SEPARATION PAY	243,913	243,913
7400 SOCIAL SECURITY TAX	642,053	642,053
7450 TOTAL, BUDGET ACTIVITY 2	17,429,679	17,429,679
7500 ACTIVITY 3 PAY AND ALLOWANCES OF MIDSHIPMEN		
7550 MIDSHIPMEN	76,385	76,385
7600 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
7650 BASIC ALLOWANCE FOR SUBSISTENCE	705,147	705,147
7700 SUBSISTENCE-IN-KIND	386,265	386,265
7750 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	12	12
7800 TOTAL, BUDGET ACTIVITY 4	1,091,424	1,091,424

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
7850 ACTIVITY 5 PERMANENT CHANGE OF STATION		
7900 ACCESSION TRAVEL	93,020	93,020
7950 TRAINING TRAVEL	106 365	106,365
8000 OPERATIONAL TRAVEL	286,405	286,405
8050 ROTATIONAL TRAVEL	364,345	364,345
8100 SEPARATION TRAVEL	140,238	140,238
8150 TRAVEL OF ORGANIZED UNITS	26,204	26,204
8200 NON-TEMPORARY STORAGE	5,791	5,791
8250 TEMPORARY LODGING EXPENSE	6,551	6,551
8300 OTHER	8,852	8,852
8350 TOTAL, BUDGET ACTIVITY 5	1,037,771	1,037,771
8400 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
8450 APPREHENSION OF MILITARY DESERTERS	256	256
8500 INTEREST ON UNIFORMED SERVICES SAVINGS	1,715	1,715
8550 DEATH GRATUITIES	15,200	15,200
8600 UNEMPLOYMENT BENEFITS	122,832	122,832
8650 EDUCATION BENEFITS	20,852	20,852
8700 ADOPTION EXPENSES	286	286
8750 TRANSPORTATION SUBSIDY	6,822	6,822
8800 PARTIAL DISLOCATION ALLOWANCE	37	37
8900 RESERVE OFFICERS TRAINING CORPS (ROTC)	24,513	24,513
8950 JUNIOR ROTC	14,027	14,027
8960 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
9000 TOTAL, BUDGET ACTIVITY 6	207,665	207,665
9050 LESS REIMBURSABLES	-299,906	-299,906
9100 UNDISTRIBUTED ADJUSTMENT	---	-351,050
9200 TOTAL, ACTIVE FORCES, NAVY	27,154,384	26,803,334
11000 TOTAL, MILITARY PERSONNEL, NAVY	27,154,384	26,803,334

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
UNDISTRIBUTED ADJUSTMENTS		**-351,050**
Unobligated/Unexpended Balances		-10,850
Undistributed Transfer to title IX		-340,200

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MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
12000 MILITARY PERSONNEL, MARINE CORPS		
12050 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
12100 BASIC PAY	1,477,775	1,477,775
12150 RETIRED PAY ACCRUAL	505 668	505,668
12200 BASIC ALLOWANCE FOR HOUSING	492,003	492,003
12250 BASIC ALLOWANCE FOR SUBSISTENCE	60,654	60,654
12300 INCENTIVE PAYS	53,004	53,004
12350 SPECIAL PAYS	32,074	32,074
12400 ALLOWANCES	35,483	35,483
12450 SEPARATION PAY	14,799	14,799
12500 SOCIAL SECURITY TAX	111,978	111,978
12550 TOTAL, BUDGET ACTIVITY 1	2,783,438	2,783,438
12600 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
12650 BASIC PAY	5,007,453	5,007,453
12700 RETIRED PAY ACCRUAL	1,713,360	1,713,360
12750 BASIC ALLOWANCE FOR HOUSING	1,609,726	1,729,726
12800 INCENTIVE PAYS	10,136	10,136
12850 SPECIAL PAYS	235,273	235,273
12900 ALLOWANCES	308,183	308,183
12950 SEPARATION PAY	66,081	66,081
13000 SOCIAL SECURITY TAX	382,118	382,118
13050 TOTAL, BUDGET ACTIVITY 2	9,332,330	9,452,330
13100 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
13150 BASIC ALLOWANCE FOR SUBSISTENCE	467,210	467,210
13200 SUBSISTENCE-IN-KIND	327,923	327,923
13250 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	50	50
13300 TOTAL, BUDGET ACTIVITY 4	795,183	795,183

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
13350 ACTIVITY 5 PERMANENT CHANGE OF STATION		
13400 ACCESSION TRAVEL	92,021	92,021
13450 TRAINING TRAVEL	9,356	9,356
13500 OPERATIONAL TRAVEL	257,483	257,483
13550 ROTATIONAL TRAVEL	130,752	130,752
13600 SEPARATION TRAVEL	64,688	64,688
13650 TRAVEL OF ORGANIZED UNITS	754	754
13700 NON-TEMPORARY STORAGE	6,442	6,442
13750 TEMPORARY LODGING EXPENSE	14,317	14,317
13800 OTHER	2,726	2,726
13850 TOTAL, BUDGET ACTIVITY 5	578,539	578,539
13900 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
13950 APPREHENSION OF MILITARY DESERTERS	1,551	1,551
14000 INTEREST ON UNIFORMED SERVICES SAVINGS	19	19
14050 DEATH GRATUITIES	17,200	17,200
14100 UNEMPLOYMENT BENEFITS	72,488	116,488
14150 EDUCATION BENEFITS	5,002	5,002
14200 ADOPTION EXPENSES	152	152
14250 TRANSPORTATION SUBSIDY	2,908	2,908
14300 PARTIAL DISLOCATION ALLOWANCE	283	283
14400 JUNIOR ROTC	5,813	5,813
14410 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
14450 TOTAL, BUDGET ACTIVITY 6	106,541	150,541
14500 LESS REIMBURSABLES	-22,485	-22,485
14600 UNDISTRIBUTED ADJUSTMENT	---	-102,410
14650 TOTAL, ACTIVE FORCES, MARINE CORPS	13,573,546	13,635,136
16000 TOTAL, MILITARY PERSONNEL, MARINE CORPS	13,573,546	13,635,136

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR HOUSING	**1,609,726**	**1,729,726**
Marine Corps Identified Shortfall		120,000
BA-6: OTHER MILITARY PERSONNEL COSTS		
UNEMPLOYMENT BENEFITS	**72,488**	**116,488**
Marine Corps Identified Shortfall		44,000
UNDISTRIBUTED ADJUSTMENTS		**-102,410**
Unobligated/Unexpended Balances		-77,410
Undistributed Transfer to title IX		-25,000

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MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
17000 MILITARY PERSONNEL AIR FORCE		
17050 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
17100 BASIC PAY	4,836,070	4,785,470
17150 RETIRED PAY ACCRUAL	1,649,202	1,649,202
17200 BASIC ALLOWANCE FOR HOUSING	1,487,084	1,487,084
17250 BASIC ALLOWANCE FOR SUBSISTENCE	185,137	185,137
17300 INCENTIVE PAYS	230,777	230,777
17350 SPECIAL PAYS	320,672	319,129
17400 ALLOWANCES	125,585	125,585
17450 SEPARATION PAY	154,367	154,367
17500 SOCIAL SECURITY TAX	368,392	368,392
17550 TOTAL, BUDGET ACTIVITY 1	9,357,286	9,305,143
17600 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
17650 BASIC PAY	8,610,579	8,610,579
17700 RETIRED PAY ACCRUAL	2,943,338	2,943,338
17750 BASIC ALLOWANCE FOR HOUSING	3,451,800	3,451,800
17800 INCENTIVE PAYS	42,074	42,074
17850 SPECIAL PAYS	387,659	362,806
17900 ALLOWANCES	554,120	554,120
17950 SEPARATION PAY	141,359	141,359
18000 SOCIAL SECURITY TAX	658,708	658,708
18050 TOTAL, BUDGET ACTIVITY 2	16,789,637	16,764,784
18100 ACTIVITY 3 PAY AND ALLOWANCES OF CADETS		
18150 ACADEMY CADETS	74,316	74,316
18200 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
18250 BASIC ALLOWANCE FOR SUBSISTENCE	910,540	910,540
18300 SUBSISTENCE-IN-KIND	176,751	176,751
18350 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	34	34
18400 TOTAL, BUDGET ACTIVITY 4	1,087,325	1,087,325

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
18450 ACTIVITY 5 PERMANENT CHANGE OF STATION		
18500 ACCESSION TRAVEL	79,929	79,929
18550 TRAINING TRAVEL	73,677	73,677
18600 OPERATIONAL TRAVEL	318,829	318,829
18650 ROTATIONAL TRAVEL	524,244	524,244
18700 SEPARATION TRAVEL	157,173	157,173
18750 TRAVEL OF ORGANIZED UNITS	15,448	15,448
18800 NON-TEMPORARY STORAGE	39,968	39,968
18850 TEMPORARY LODGING EXPENSE	29,707	29,707
18950 TOTAL, BUDGET ACTIVITY 5	1,238,975	1,238,975
19000 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
19050 APPREHENSION OF MILITARY DESERTERS	134	134
19100 INTEREST ON UNIFORMED SERVICES SAVINGS	3,234	3,234
19150 DEATH GRATUITIES	16,000	16,000
19200 UNEMPLOYMENT BENEFITS	62,151	62,151
19250 SURVIVOR BENEFITS	1,574	1,574
19300 EDUCATION BENEFITS	403	403
19350 ADOPTION EXPENSES	520	520
19400 TRANSPORTATION SUBSIDY	7,520	7,520
19450 PARTIAL DISLOCATION ALLOWANCE	2,008	2,008
19550 RESERVE OFFICERS TRAINING CORPS (ROTC)	40,081	40,081
19600 JUNIOR ROTC	16,933	16,933
19610 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
19650 TOTAL, BUDGET ACTIVITY 6	151,683	151,683
19700 LESS REIMBURSABLES	-394,790	-394,790
19750 UNDISTRIBUTED ADJUSTMENT	- -	-130,728
19800 TOTAL, ACTIVE FORCES, AIR FORCE	28,304,432	28,096,708
21000 TOTAL, MILITARY PERSONNEL, AIR FORCE	28,304,432	28,096,708

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	**4,836,070**	**4,785,470**
Excess to Requirement		-50,600
SPECIAL PAYS	**320,672**	**319,129**
OSD Discontinuation of Creech Incentive Pay		-1,543
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
SPECIAL PAYS	**387,659**	**362,806**
Re-enlistment Bonuses - Excess to Requirement		-16,000
OSD Discontinuation of Creech Incentive Pay		-8,853
UNDISTRIBUTED ADJUSTMENTS		**-130,728**
Unobligated/Unexpended Balances		-74,700
Undistributed Transfer to title IX		-56,028

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RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
23000 RESERVE PERSONNEL, ARMY		
23050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
23100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,294,413	1,294,413
23150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	53,726	35,726
23200 PAY GROUP F TRAINING (RECRUITS)	262,018	247,018
23250 PAY GROUP P TRAINING (PIPELINE RECRUITS)	7,844	7,844
23300 MOBILIZATION TRAINING	5,620	5,620
23350 SCHOOL TRAINING	187,198	187,198
23400 SPECIAL TRAINING	271,470	271,470
23450 ADMINISTRATION AND SUPPORT	2,138,347	2,118,347
23500 EDUCATION BENEFITS	39,925	39,925
23550 HEALTH PROFESSION SCHOLARSHIP	69,939	69,939
23600 OTHER PROGRAMS	55,577	55,577
23650 TOTAL, BUDGET ACTIVITY 1	4,386,077	4,333,077
23800 UNDISTRIBUTED ADJUSTMENT	---	-43,670
24000 TOTAL RESERVE PERSONNEL, ARMY	4,386,077	4,289,407

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	53,726	35,726
Projected Underexecution		-18,000
PAY GROUP F TRAINING (RECRUITS)	262,018	247,018
Projected Underexecution		-15,000
ADMINISTRATION AND SUPPORT	2,138,347	2,118,347
Selected Reserve Incentive Program Bonuses - Excess to Requirement		-20,000
UNDISTRIBUTED ADJUSTMENT		-43,670
Unobligated/Unexpended Balances		-43,670

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
26000 RESERVE PERSONNEL, NAVY		
26050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
26100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	627,505	615,505
26150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	9,321	9,321
26200 PAY GROUP F TRAINING (RECRUITS)	50,649	50,649
26250 MOBILIZATION TRAINING	8,727	8 727
26300 SCHOOL TRAINING	52,322	52,322
26350 SPECIAL TRAINING	114,610	114,610
26400 ADMINISTRATION AND SUPPORT	1,037,649	1,034,649
26450 EDUCATION BENEFITS	1,719	1,719
26500 HEALTH PROFESSION SCHOLARSHIP	58,132	58,132
26550 TOTAL, BUDGET ACTIVITY 1	1,960,634	1,945,634
26600 UNDISTRIBUTED ADJUSTMENT	---	-10,090
27000 TOTAL, RESERVE PERSONNEL, NAVY	1,960,634	1,935,544

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	**627,505**	**615,505**
Inactive Duty Training - Unjustified Growth		-12,000
ADMINISTRATION AND SUPPORT	**1,037,649**	**1,034,649**
Bonuses - Excess to Requirement		-3,000
UNDISTRIBUTED ADJUSTMENT		**-10,090**
Unobligated/Unexpended Balances		-10,090

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
28000 RESERVE PERSONNEL, MARINE CORPS		
28050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
28100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	209,450	209,450
28150 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	37,538	37,538
28200 PAY GROUP F TRAINING (RECRUITS)	116,241	116 241
28300 MOBILIZATION TRAINING	4,073	4,073
28350 SCHOOL TRAINING	14,226	14,226
28400 SPECIAL TRAINING	23,666	23 666
28450 ADMINISTRATION AND SUPPORT	226,902	224,902
28500 PLATOON LEADER CLASS	11,859	11,859
28550 EDUCATION BENEFITS	9,257	9,257
28600 TOTAL, BUDGET ACTIVITY 1	653,212	651,212
28700 UNDISTRIBUTED ADJUSTMENT	---	-6,490
29000 TOTAL RESERVE PERSONNEL, MARINE CORPS	653,212	644,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
ADMINISTRATION AND SUPPORT	**226,902**	**224,902**
Enlistment Bonuses - Excess to Requirement		-2,000
UNDISTRIBUTED ADJUSTMENT		**-6,490**
Unobligated/Unexpended Balances		-6,490

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
30000 RESERVE PERSONNEL, AIR FORCE		
30050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
30100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	681,477	670,477
30150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	105,605	105,605
30200 PAY GROUP F TRAINING (RECRUITS)	68,658	77,700
30250 PAY GROUP P TRAINING (PIPELINE RECRUITS)	64	64
30300 MOBILIZATION TRAINING	555	555
30350 SCHOOL TRAINING	140,801	140,801
30400 SPECIAL TRAINING	296,895	296,895
30450 ADMINISTRATION AND SUPPORT	362 893	362,893
30500 EDUCATION BENEFITS	16,244	16,244
30550 HEALTH PROFESSION SCHOLARSHIP	51,743	51,743
30600 OTHER PROGRAMS (ADMIN & SUPPORT)	4,888	4,888
30650 TOTAL, BUDGET ACTIVITY 1	1,729,823	1,727,865
30750 UNDISTRIBUTED ADJUSTMENT	---	-15,160
31000 TOTAL, RESERVE PERSONNEL, AIR FORCE	1,729,823	1,712,705

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	**681,477**	**670,477**
Inactive Duty Training - Unit Training Assemblies Underexecution		-1,958
Transfer to Pay Group F		-9,042
PAY GROUP F TRAINING (RECRUITS)	**68,658**	**77,700**
Air Force Identified Additional Requirement Due to Increased Number of Training Seats - Transfer from Pay Group A		9,042
UNDISTRIBUTED ADJUSTMENT		**-15,160**
Unobligated/Unexpended Balances		-15,160

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NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
32000 NATIONAL GUARD PERSONNEL, ARMY		
32050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
32100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	2,076,946	2,141,946
32150 PAY GROUP F TRAINING (RECRUITS)	573 577	573,577
32200 PAY GROUP P TRAINING (PIPELINE RECRUITS)	46,049	46,049
32250 SCHOOL TRAINING	428,000	428,000
32300 SPECIAL TRAINING	447,567	447,567
32350 ADMINISTRATION AND SUPPORT	3,925,062	3,898,062
32400 EDUCATION BENEFITS	126,134	126,134
32450 TOTAL, BUDGET ACTIVITY 1	7,623,335	7,661,335
32600 UNDISTRIBUTED ADJUSTMENT	---	-75,690
33000 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	7,623,335	7,585,645

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	**2,076,946**	**2,141,946**
Army Guard Identified Additional Requirement Due to Lower than Budgeted Mobilization Rate		65,000
ADMINISTRATION AND SUPPORT	**3,925,062**	**3,898,062**
Enlistment Bonuses - Excess to Requirement		-9,000
Re-enlistment Bonuses - Excess to Requirement		-8,000
Officer Affiliation/Accession Bonuses - Excess to Requirement		-10,000
UNDISTRIBUTED ADJUSTMENTS		**-75,690**
Unobligated/Unexpended Balances		-57,990
Undistributed Transfer to title IX		-17,700

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NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
34000 NATIONAL GUARD PERSONNEL, AIR FORCE		
34050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
34100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	967,468	954 968
34150 PAY GROUP F TRAINING (RECRUITS)	103,958	103,958
34200 PAY GROUP P TRAINING (PIPELINE RECRUITS)	3,211	3,211
34250 SCHOOL TRAINING	234,909	234,909
34300 SPECIAL TRAINING	134,244	134,244
34350 ADMINISTRATION AND SUPPORT	1,642,998	1,642,998
34400 EDUCATION BENEFITS	27,361	27,361
34450 TOTAL, BUDGET ACTIVITY 1	3,114,149	3,101,649
34700 UNDISTRIBUTED ADJUSTMENT	---	-12,720
35000 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	3,114,149	3,088,929

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

M-1	Budget Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	**967,468**	**954,968**
Inactive Duty Training - Unjustified Growth		-12,500
UNDISTRIBUTED ADJUSTMENT		**-12,720**
Unobligated/Unexpended Balances		-12,720

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TITLE II—OPERATION AND MAINTENANCE

The conference agreement provides $163,073,141,000 in Title II, Operation and Maintenance, instead of $169,975,411,000 as proposed by the House and $162,549,531,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
RECAPITULATION		
OPERATION & MAINTENANCE, ARMY	34,735,216	31,072,902
OPERATION & MAINTENANCE NAVY	39 364 688	38,120,821
OPERATION & MAINTENANCE, MARINE CORPS	5 960 437	5 542 937
OPERATION & MAINTENANCE AIR FORCE	36 195,133	34 985,486
OPERATION & MAINTENANCE, DEFENSE-WIDE	30 940,409	30,152 008
OPERATION & MAINTENANCE, ARMY RESERVE	3 109 176	3,071,733
OPERATION & MAINTENANCE, NAVY RESERVE	1,323,134	1,305,134
OPERATION & MAINTENANCE, MARINE CORPS RESERVE	271,443	271,443
OPERATION & MAINTENANCE, AIR FORCE RESERVE	3,274,359	3,274,359
OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	7,041,432	6,924,932
OPERATION & MAINTENANCE, AIR NATIONAL GUARD	6,136,280	6,098,780
OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	5,000	---
UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	13,861	13,861
ENVIRONMENTAL RESTORATION, ARMY	346 031	346,031
ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
ENVIRONMENTAL RESTORATION AIR FORCE	525,453	525,453
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	10,716	10,716
ENVIRONMENTAL RESTORATION FORMERLY USED DEF SITES	276,495	326,495
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	107,662	107,662
COOPERATIVE THREAT REDUCTION ACCOUNT	508,219	508 219
DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	305,501	105,501
GRAND TOTAL OPERATION & MAINTENANCE	170,759,313	163,073,141

OPERATION AND MAINTENANCE REPROGRAMMINGS

The Secretary of Defense is directed to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2012 appropriation accounts not later than 60 days after enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services' operation and maintenance accounts between O–1 budget activities in excess of $15,000,000. In addition, the Secretary of Defense should follow prior approval reprogramming procedures for transfers in excess of $15,000,000 out of the following budget subactivities:

Army:
Maneuver units
Modular support brigades
Land forces operations support
Force readiness operations support
Land forces depot maintenance
Base operations support
Facilities Sustainment, Repair, and Modernization
Navy:
Aircraft depot maintenance
Ship depot maintenance
Facilities Sustainment, Repair, and Modernization
Marine Corps:
Depot maintenance
Facilities Sustainment, Repair, and Modernization
Air Force:
Primary combat forces
Combat enhancement forces
Combat communications
Facilities Sustainment, Repair, and Modernization

During fiscal year 2012, the Air Force is required to submit written notification and justification to the congressional defense committees not later than 30 days prior to implementing transfers in excess of $15,000,000 out of the following budget subactivities:

Operating forces depot maintenance
Mobilization depot maintenance
Training and recruiting depot maintenance
Administration and service-wide depot maintenance

The transfer may be implemented 30 days after congressional notification unless an objection is received from a congressional defense committee.

Finally, the Secretary of Defense should follow prior approval reprogramming procedures for transfers in excess of $15,000,000 into the following budget subactivity:

Operation and Maintenance, Army National Guard:
Other personnel support/recruiting and advertising

With respect to Operation and Maintenance, Defense-Wide, proposed transfers of funds to or from the levels specified for defense agencies in excess of $15,000,000 shall be subject to prior approval reprogramming procedures.

OPERATION AND MAINTENANCE FUNDING FOR MILITARY TECHNICIANS

The House recommendation included adjustments to Army and Air Force Reserve and National Guard operation and maintenance accounts based on discrepancies in the number of military technicians included in the request. The conference agreement does not include these adjustments; however, the Department is directed to ensure consistency in the number of military technicians included in the request between the military personnel appropriations in the PB–31R Personnel Summary exhibit and noted on the OP–5 exhibit in the operation and maintenance appropriations in the future.

STRATEGIC COMMUNICATIONS AND INFORMATION OPERATIONS/MILITARY INFORMATION SUPPORT OPERATIONS

The conference agreement includes $224,975,000 for Department of Defense information operations (IO)/military information support operations (MISO) programs, instead of $176,575,000 as proposed by the House and $300,570,000 as proposed by the Senate. The budget request includes $120,570,000 in title II and $180,000,000 in title IX. The conference agreement includes all funds for these activities in title IX of this division as proposed by the House. Of the $120,570,000 requested in title II, the conference agreement includes program reductions totaling $16,795,000 and transfers the remaining $103,775,000 to title IX. The allocation of funding by combatant command and funding levels for certain programs is specifically delineated in the classified annex accompanying this Act. The conferees direct that these delineations shall be considered congressional special interest items and be subject to normal reprogramming procedures.

The conferees agree that combatant commanders need the ability to effectively communicate in their respective areas of responsibility and provide adequate resources to support such military objectives. The conferees appreciate the progress made by the Office of the Secretary of Defense over the past three years to define and consolidate strategic communications (SC) and IO into a more accountable and transparent structure within the Department and improve interagency coordination. Even with this progress, concerns remain that some activities being funded under IO/MISO and SC are duplicative of, or operate at cross purposes with, other federal agencies' efforts. As the Secretary of Defense Memorandum dated January 25, 2011 indicates, further refinements are necessary to identify IO-related costs and develop standardized budgeting methodologies for SC and IO-related capabilities and activities, as well as MISO costs. In an era of declining budgets, Department of Defense funding for these activities must be fully captured and carefully reviewed to ensure that each request meets a primary military requirement.

The conference agreement does not provide funds within the fiscal year 2012 base budget for these activities, but instead continues funding them within title IX of this division. The conferees will consider transitioning the funding for SC and IO/MISO programs to the base budget in fiscal year 2013 after a review of the comprehensive budget requests for SC, IO/MISO, and IO-related capabilities and activities.

The conferees reiterate the direction included in the House report requiring the Secretary of Defense to develop a format for improving the budget submission for these programs in fiscal year 2013. The submission shall include, at a minimum, a delineation of all programs and activities, and the funding associated with each, for all SC and IO/MISO programs within the Department of Defense. The conferees further direct the Secretary of Defense to follow the direction in the House report regarding execution reports for funds provided for these programs.

ENERGY INDEPENDENCE AND SECURITY ACT

The conference agreement does not include a provision (House Section 10011) on the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Defense and the Service Secretaries should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments and agencies should be minimized to the extent possible under the law.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, ARMY		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	LAND FORCES		
10	MANEUVER UNITS	1,399,804	1,031,695
20	MODULAR SUPPORT BRIGADES	104,629	90,595
30	ECHELONS ABOVE BRIGADES	815,920	741,068
40	THEATER LEVEL ASSETS	825,587	764,818
50	LAND FORCES OPERATIONS SUPPORT	1,245,231	1,072,413
60	AVIATION ASSETS	1,199,340	1,131,228
	LAND FORCES READINESS		
70	FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,778,799
80	LAND FORCES SYSTEMS READINESS	451,228	404,896
90	LAND FORCES DEPOT MAINTENANCE	1,179,675	1,179,675
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	7,637,052	7,469,948
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,495,667
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	397,952	397,952
130	COMBATANT COMMANDER'S CORE OPERATIONS	171,179	171,179
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	439,115
140	CONTRACTOR LOGISTICS SUPPORT	---	-50,000
	ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION	---	-166,365
	TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE	---	-1,454,500
	TOTAL, BUDGET ACTIVITY 1	21,322,304	18,498,183
	BUDGET ACTIVITY 2 MOBILIZATION		
	MOBILITY OPERATIONS		
180	STRATEGIC MOBILITY	390,394	390,394
190	ARMY PREPOSITIONED STOCKS	169,535	169,535
200	INDUSTRIAL PREPAREDNESS	6,675	6,675
	ADJUSTMENT FOR DEFENSE EFFICIENCY - CIVILIAN STAFFING REDUCTION	---	843
	TOTAL, BUDGET ACTIVITY 2	566,604	567,447

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	113,262	113,262
220	RECRUIT TRAINING	71,012	71,012
230	ONE STATION UNIT TRAINING	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	451,071
	BASIC SKILL AND ADVANCED TRAINING		
250	SPECIALIZED SKILL TRAINING	1,045,948	1,030,765
260	FLIGHT TRAINING	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280	TRAINING SUPPORT	607,896	607,896
	RECRUITING AND OTHER TRAINING AND EDUCATION		
290	RECRUITING AND ADVERTISING	523 501	523,501
300	EXAMINING	139,159	139 159
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330	JUNIOR RESERVE OFFICERS TRAINING CORPS	170,889	170,889
	ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION	---	23,560
	TOTAL, BUDGET ACTIVITY 3	4,873,028	4,915,405
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	995,161	993,801
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370	LOGISTICS SUPPORT ACTIVITIES	484,075	487,075
380	AMMUNITION MANAGEMENT	457,741	387,741

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SERVICEWIDE SUPPORT		
390	ADMINISTRATION	[illegible] 313	775,313
400	SERVICEWIDE COMMUNICATIONS	[illegible] 706	1 540,957
410	MANPOWER MANAGEMENT	[illegible] 924	316,924
420	OTHER PERSONNEL SUPPORT	[illegible] 356	214 356
430	OTHER SERVICE SUPPORT	1 [illegible],877	1,048,777
440	ARMY CLAIMS ACTIVITIES	[illegible] 621	216,621
450	REAL ESTATE MANAGEMENT	180 717	170,717
	SUPPORT OF OTHER NATIONS		
460	SUPPORT OF NATO OPERATIONS	449,901	449,901
470	MISC SUPPORT OF OTHER NATIONS	23 886	20,886
	IMPROVED MANAGEMENT OF TELECOM SERVICES		-10,000
	ADJUSTMENT FOR DEFENSE EFFICIENCY - CIVILIAN STAFFING REDUCTION		-12 904
	TOTAL BUDGET ACTIVITY 4	7 9 3 280	7,830,167
	UNOBLIGATED BALANCES		-238,300
	UNEXECUTABLE OPTEMPO GROWTH		-500,000
	TOTAL OPERATION AND MAINTENANCE, ARMY	34 735 216	31,072,902

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
111	**MANEUVER UNITS**	**1,399,804**	**1,031,695**
	Transfer to title IX - Combined Arms Training Strategy		-217,376
	Transfer to title IX - MRAP Vehicle Sustainment		-2,539
	Transfer to title IX - Theater Demand Reduction		-148,194
112	**MODULAR SUPPORT BRIGADES**	**104,629**	**90,595**
	Transfer to title IX - Combined Arms Training Strategy		-11,752
	Transfer to title IX-Theater Demand Reduction		-2,282
113	**ECHELONS ABOVE BRIGADES**	**815,920**	**741,068**
	Transfer to title IX - Combined Arms Training Strategy		-74,852
114	**THEATER LEVEL ASSETS**	**825,587**	**764,818**
	Transfer to title IX - Chemical Defense Equipment Sustainment		-8,579
	Transfer to title IX - Combined Arms Training Strategy		-23,198
	Transfer to title IX - Theater Demand Reduction		-18,692
	Transfer to title IX - Unmanned Aircraft System Gray Eagle Satellite Service		-10,300
115	**LAND FORCES OPERATIONS SUPPORT**	**1,245,231**	**1,072,413**
	Transfer to title IX - MRAP Vehicle Sustainment at Combat Training Centers		-6,420
	Transfer to title IX - Combat Training Center Role Players		-30,091
	Transfer to title IX - Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		-12,062
	Transfer to title IX - Joint Maneuver Readiness Center Opposing Force Augmentation		-4,545
	Transfer to title IX - Joint Readiness Training Center Opposing Force Augmentation		-26,940
	Transfer to title IX - National Training Center Tier Two Level Maintenance Contract		-24,000
	Transfer to title IX - National Training Center Warfighter Focus		-26,650
	Transfer to title IX - Sustainment Brigade and Functional Brigade Warfighter Exercise		-20,285
	Transfer to title IX - Theater Demand Reduction		-14,984
	Transfer to title IX - Tube-Launched, Optically-Tracked, Wire-Guided Missile Improved Target Acquisition System Contract Logistics Support		-6,841
116	**AVIATION ASSETS**	**1,199,340**	**1,131,228**
	Transfer to title IX - Combined Arms Training Strategy		-6,607
	Transfer to title IX - Theater Demand Reduction		-61,505
121	**FORCE READINESS OPERATIONS SUPPORT**	**2,939,455**	**2,778,799**
	Forward Operating Base Baseline not taken into Account In Requested Program Growth		-20,000
	Transfer to title IX - Body Armor Sustainment		-71,660
	Transfer to title IX - Rapid Equipping Force Readiness		-9,294
	Transfer to title IX - Battle Simulation Centers		-59,702
122	**LAND FORCES SYSTEMS READINESS**	**451,228**	**404,896**
	Unjustified Growth for Civilian and Contractor Positions		-20,000
	Transfer to title IX - Fixed Wing Life Cycle Contract Support		-21,171

O-1		Budget Request	Conference
	Transfer to title IX - Capability Development and Integration		-5,161
123	**LAND FORCES DEPOT MAINTENANCE**	**1,179,675**	**1,179,675**
131	**BASE OPERATIONS SUPPORT**	**7,637,052**	**7,469,948**
	Restore Army Requested Reduction to Family Programs		75,000
	Restore Underfunding Attributed to Efficiency Savings		93,232
	Removal of fiscal year 2011 Costs Budgeted for Detainee Operations (Full fiscal year 2012 Requirement Funded in title IX)		-70,000
	Budget Justification does not Match Summary of Price and Program Changes for Utilities		-37,500
	Environmental Conservation for Ranges to Address Shortfalls		12,500
	Transfer to title IX - Overseas Security Guards		-200,000
	Transfer to title IX - Senior Leader Initiative: Comprehensive Soldier Fitness Program		-30,000
	Transfer to title IX - Training Range Maintenance		-10,336
138	**COMBATANT COMMANDER'S DIRECT MISSION SUPPORT**	**459,585**	**439,115**
	Transfer to title IX and Program Reduction - Military Information Support Operations		-20,470
	CONTRACTOR LOGISTICS SUPPORT		**-50,000**
	TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE		**-1,454,500**
	BUDGET ACTIVITY 1 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION		**-166,365**
	BUDGET ACTIVITY 2 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION		**843**
314	**SENIOR RESERVE OFFICER TRAINING CORP**	**417,071**	**451,071**
	Restore Army Requested Reduction to Reserve Officer Training Corps to Maintain Ratio of Public to Private Colleges		34,000
321	**SPECIALIZED SKILL TRAINING**	**1,045,948**	**1,030,765**
	Transfer to title IX - Survivability and Maneuverability Training		-15,183
	BUDGET ACTIVITY 3 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION		**23,560**
423	**LOGISTIC SUPPORT ACTIVITIES**	**484,075**	**487,075**
	Army Requested Transfer for Army Enterprise Systems Integration Program from OP, A line 116		3,000
424	**AMMUNITION MANAGEMENT**	**457,741**	**387,741**
	Requested Growth Unjustified by Metrics Provided in Performance Criteria		-70,000
432	**SERVICEWIDE COMMUNICATIONS**	**1,534,706**	**1,540,957**
	Transfer from title IX - Automated Biometric Identification System (ABIS)		26,200
	Expand ABIS to Improve Data Sharing with Federal Partner Agencies - Unique Identity Task Force		3,800
	Army Requested Transfer for GCSS-A from OP, A line 116		2,883

O-1		Budget Request	Conference
	Army Requested Transfer for GFEBS from OP, A line 116		3,368
	Budget Justification does not Match Summary of Price and Program Changes for the Defense Information Systems Agency Requirement		-30,000
435	**OTHER SERVICE SUPPORT**	**1,093,877**	**1,048,777**
	Army Support to the Capitol 4th		4,900
	Budget Justification does not Match Summary of Price and Program Changes for the Defense Finance and Accounting Service Requirement		-50,000
436	**ARMY CLAIMS ACTIVITIES**	**216,621**	**216,621**
437	**REAL ESTATE MANAGEMENT**	**180,717**	**170,717**
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund		-10,000
442	**MISCELLANEOUS SUPPORT OF OTHER NATIONS**	**23,886**	**20,886**
	Transfer from SAG 411 - Military Information Support Operations		-3,000
	IMPROVED MANAGEMENT OF TELECOM SERVICES		**-10,000**
	BUDGET ACTIVITY 4 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION		**-12,904**
	UNEXECUTABLE OPTEMPO GROWTH		**-500,000**
	UNOBLIGATED BALANCES		**-238,300**

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, NAVY		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	AIR OPERATIONS		
10	MISSION AND OTHER FLIGHT OPERATIONS	4,762 887	4 499,387
20	FLEET AIR TRAINING	1,771,644	1,771,644
30	AVIATION TECHNICAL DATA AND ENGINEERING SERVICES	46,321	46,321
40	AIR OPERATIONS AND SAFETY SUPPORT	104,751	104,751
50	AIR SYSTEMS SUPPORT	431,576	414,576
60	AIRCRAFT DEPOT MAINTENANCE	1,030 303	1,030,303
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,403	37,403
80	AVIATION LOGISTICS	238,007	238,007
	SHIP OPERATIONS		
90	MISSION AND OTHER SHIP OPERATIONS	3,820,186	3,795,186
100	SHIP OPERATIONS SUPPORT AND TRAINING	734,866	734,866
110	SHIP DEPOT MAINTENANCE	4,972,609	5,122,609
120	SHIP DEPOT OPERATIONS SUPPORT	1,304,271	1,297,271
	COMBAT COMMUNICATIONS/SUPPORT		
130	COMBAT COMMUNICATIONS	583,659	556,259
140	ELECTRONIC WARFARE	97,011	97,011
150	SPACE SYSTEMS AND SURVEILLANCE	162,303	137,303
160	WARFARE TACTICS	423,187	423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	320,141	320,141
180	COMBAT SUPPORT FORCES	1,076 478	883,677
190	EQUIPMENT MAINTENANCE	187,037	187,037
200	DEPOT OPERATIONS SUPPORT	4,352	4,352
210	COMBATANT COMMANDERS CORE OPERATIONS	103,830	103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	180,800	166 400

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	WEAPONS SUPPORT		
230	CRUISE MISSILE	125,333	125,333
240	FLEET BALLISTIC MISSILE	1,209,410	1,209,410
250	IN SERVICE WEAPONS SYSTEMS SUPPORT	99,063	90,063
260	WEAPONS MAINTENANCE	450,454	465,454
270	OTHER WEAPON SYSTEMS SUPPORT	358,002	382,002
	BASE SUPPORT		
280	ENTERPRISE INFORMATION TECHNOLOGY	971,189	971,189
290	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,946,779	1,946,779
300	BASE OPERATING SUPPORT	4,610,525	4,553,025
140	CONTRACTOR LOGISTICS SUPPORT	---	-150,000
	TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE (BA1 UNDISTRIBUTED)	---	-495,000
	TOTAL, BUDGET ACTIVITY 1	32,164,377	31,069,776
	BUDGET ACTIVITY 2 MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
310	SHIP PREPOSITIONING AND SURGE	493,326	493,326
	ACTIVATIONS/INACTIVATIONS		
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,228	6,228
330	SHIP ACTIVATIONS/INACTIVATIONS	205,898	205,898
	MOBILIZATION PREPAREDNESS		
340	FLEET HOSPITAL PROGRAM	68,634	63,630
350	INDUSTRIAL READINESS	2,684	2,684
360	COAST GUARD SUPPORT	25,192	25,192
	TOTAL, BUDGET ACTIVITY 2	801,962	796,958
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
	ACCESSION TRAINING		
370	OFFICER ACQUISITION	147,540	147,540
380	RECRUIT TRAINING	10,655	10,655
390	RESERVE OFFICERS TRAINING CORPS	151,147	148,361
	BASIC SKILLS AND ADVANCED TRAINING		
400	SPECIALIZED SKILL TRAINING	594,799	544,278
410	FLIGHT TRAINING	9,034	9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION	173,452	173,452
430	TRAINING SUPPORT	168,025	168,025
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
440	RECRUITING AND ADVERTISING	254,860	255,843

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
450	OFF DUTY AND VOLUNTARY EDUCATION	140,279	140,279
460	CIVILIAN EDUCATION AND TRAINING	107,561	107,561
470	JUNIOR ROTC	52,689	52,689
	TOTAL, BUDGET ACTIVITY 3	1,810,041	1,757,717
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
480	ADMINISTRATION	754,483	754,483
490	EXTERNAL RELATIONS	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	203,926
520	OTHER PERSONNEL SUPPORT	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS	534,873	534,873
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
550	SERVICEWIDE TRANSPORTATION	190,662	190,662
570	PLANNING, ENGINEERING AND DESIGN	303,636	293,636
580	ACQUISITION AND PROGRAM MANAGEMENT	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,374	68,374
	SECURITY PROGRAMS		
620	NAVAL INVESTIGATIVE SERVICE	572,928	572,928
	SUPPORT OF OTHER NATIONS		
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,516	5,516
	OTHER PROGRAMS		
	OTHER PROGRAMS	552,715	550,334
	IMPROVED MANAGEMENT OF TELECOM SERVICES		10,000
	TOTAL, BUDGET ACTIVITY 4	4,568,308	4,553,370
	DENY FY 12 BUDGETED PRICE GROWTH FOR CIVILIAN PERSONNEL COMPENSATION	-	-5,000
	UNOBLIGATED BALANCES		-52,000
	TOTAL, OPERATION AND MAINTENANCE, NAVY	39,364,688	38,120,821

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
1A1A	**MISSION AND OTHER FLIGHT OPERATIONS**	**4,762,887**	**4,499,387**
	Transfer to title IX - Flying Hours		-180,945
	Transfer to title IX - MV 22B Pricing Variance		-82,555
1A4N	**AIR SYSTEMS SUPPORT**	**431,576**	**414,576**
	Unjustified Growth for Program Related Logistics Support		-17,000
1B1B	**MISSION AND OTHER SHIP OPERATIONS**	**3,820,186**	**3,795,186**
	Reduced Number of Deployed Steaming Days		-25,000
1B4B	**SHIP DEPOT MAINTENANCE**	**4,972,609**	**5,122,609**
	Increase Percentage of Required Ship Maintenance Funded		150,000
1B5B	**SHIP DEPOT OPERATIONS SUPPORT**	**1,304,271**	**1,297,271**
	Removal of One-Time fiscal year 2011 Costs for Surface Ship Life Cycle Maintenance Activity and Local Command Office for Navy Enterprise Resource Planning		-7,000
1C1C	**COMBAT COMMUNICATIONS**	**583,659**	**556,259**
	Eliminate Requested Growth of Contractor Full-time Equivalents		-27,400
1C3C	**SPACE SYSTEMS AND SURVEILLANCE**	**162,303**	**137,303**
	Budget Justification does not Match Summary of Price and Program Changes		-25,000
1C6C	**COMBAT SUPPORT FORCES**	**1,076,478**	**883,677**
	Transfer to title IX - Naval Expeditionary Combat Command Increases		-192,801
1CCM	**COMBATANT COMMANDERS DIRECT MISSION SUPPORT**	**180,800**	**166,400**
	Transfer to title IX and Program Reduction - Military Information Support Operations		-6,100
	Transfer to title IX - Joint Special Operations Task Force-Philippines		-8,300
1D3D	**IN-SERVICE WEAPONS SYSTEMS SUPPORT**	**99,063**	**90,063**
	Transfer to title IX - Naval Expeditionary Combat Command		-9,000
1D4D	**WEAPONS MAINTENANCE**	**450,454**	**465,454**
	Ship Self Defense Program Increase		15,000
1D7D	**OTHER WEAPON SYSTEMS SUPPORT**	**358,002**	**382,002**
	Classified Adjustment		24,000
BSM1	**FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION**	**1,946,779**	**1,946,779**
	Restores Underfunding Attributed to Efficiency Savings		0
BSS1	**BASE OPERATING SUPPORT**	**4,610,525**	**4,553,025**
	Savings from In-sourcing Security Contractor Positions not Properly Accounted for in Budget Documentation		-20,000
	Transfer to title IX - Regional/Emergency Operations Center		-50,000
	Environmental Conservation for Ranges to Address Shortfalls		12,500

O-1		Budget Request	Conference
	CONTRACTOR LOGISTICS SUPPORT		**-150,000**
	TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE		**-495,000**
2C1H	**FLEET HOSPITAL PROGRAM**	**68,634**	**63,630**
	Transfer to title IX - Medical/Equipment costs for USNS MERCY		-5,004
3A3J	**RESERVE OFFICERS TRAINING CORPS**	**151,147**	**148,361**
	Excessive Program Increase for General Services Administration Lease Cost		-2,786
3B1K	**SPECIALIZED SKILL TRAINING**	**594,799**	**544,278**
	Unjustified Growth in Moored and Tech Training		-47,521
	Transfer to title IX - Naval Sea Systems Command Visit, Board, Search and Seizure/Explosive Ordnance Device Training		-3,000
3C1L	**RECRUITING AND ADVERTISING**	**254,860**	**255,843**
	Naval Sea Cadet Corps		983
4A4M	**MILITARY MANPOWER AND PERSONNEL MANAGEMENT**	**216,483**	**203,926**
	Transfer to title IX - Family Readiness Programs		-3,557
	Transfer to title IX - Navy Manpower and Personnel System/Navy Standard Integrated Personnel System		-9,000
4B2N	**PLANNING, ENGINEERING AND DESIGN**	**303,636**	**293,636**
	Unjustified Growth for Installation Emergency Management		-10,000
999	**OTHER PROGRAMS**	**552,715**	**550,334**
	Classified Adjustment		-2,381
	IMPROVED MANAGEMENT OF TELECOM SERVICES		**-10,000**
	DENY FISCAL YEAR 2012 BUDGETED PRICE GROWTH FOR CIVILIAN COMPENSATION		**-5,000**
	UNOBLIGATED BALANCES		**-52,000**

OVERHEAD COSTS AT NAVAL SHIPYARDS

One of the major themes of the Department of Defense's fiscal year 2012 budget submission has been the generation of efficiency savings through reduced overhead and improved business practices. However, the Navy's own budget materials indicate a plan to spend over $1,700,000,000 for overhead costs at Naval shipyards in fiscal year 2012, an amount equal to 33 percent of Naval shipyard funding. The conferees believe there are opportunities to find Naval shipyard efficiency savings and direct the Secretary of the Navy to carefully assess shipyard overhead costs with a goal of identifying and eliminating all unnecessary overhead expenditures. The conferees recommend that funding garnered from overhead savings be reapplied to ship depot and intermediate maintenance in order to improve the readiness of the fleet.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE MARINE CORPS		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	EXPEDITIONARY FORCES		
10	OPERATIONAL FORCES	695,196	695,196
20	FIELD LOGISTICS	677,608	677,608
30	DEPOT MAINTENANCE	190,713	78,713
	USMC PREPOSITIONING		
40	MARITIME PREPOSITIONING	101,464	101,464
60	FACILITIES SUSTAINMENT RESTORATION & MODERNIZATION	823,390	823,390
70	BASE OPERATING SUPPORT	2,208,949	2,201,449
	MAINTENANCE (BA1 UNDISTRIBUTED)	-	-235,000
	TOTAL BUDGET ACTIVITY 1	4,717,320	4,342,820
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
	ACCESSION TRAINING		
80	RECRUIT TRAINING	18,280	18,280
90	OFFICER ACQUISITION	820	820
	BASIC SKILLS AND ADVANCED TRAINING		
100	SPECIALIZED SKILLS TRAINING	85,816	85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142	33,142
130	TRAINING SUPPORT	324,643	324,643
	RECRUITING AND OTHER TRAINING EDUCATION		
140	RECRUITING AND ADVERTISING	184,432	184,432
150	OFF DUTY AND VOLUNTARY EDUCATION	43,708	43,708
160	JUNIOR ROTC	19,671	19,671
	TOTAL BUDGET ACTIVITY 3	710,512	710,512
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
180	SERVICEWIDE TRANSPORTATION	36,021	31,021
190	ADMINISTRATION	405,431	405,431
200	ACQUISITION AND PROGRAM MANAGEMENT	91,153	91,153
	TOTAL BUDGET ACTIVITY 4	532,605	527,605
	TECHNOLOGY BUDGET JUSTIFICATION FOR THE OPERATIONAL SUPPORT SYSTEMS COMMAND AND CONTROL		-20,000
	UNOBLIGATED BALANCES	--	-18,000
	TOTAL OPERATION AND MAINTENANCE MARINE CORPS	5,960,437	5,542,937

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
1A1A	**OPERATIONAL FORCES**	**715,196**	**695,196**
	Request Inconsistent with Information Technology Budget Justification for the Global Combat Support System		-20,000
1A3A	**DEPOT MAINTENANCE**	**190,713**	78,713
	Transfer to title IX - Depot Maintenance		-112,000
BSS1	**BASE OPERATING SUPPORT**	**2,208,949**	**2,201,449**
	Reduction for Collateral Equipment Requirements not Properly Accounted for in Budget Documentation		-20,000
	Environmental Conservation for Ranges to Address Shortfalls		12,500
	TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE		**-235,000**
4A3G	**SERVICEWIDE TRANSPORTATION**	**36,021**	**31,021**
	Incorrect Price Growth Rate Used for Commercial Transportation		-5,000
	REQUEST INCONSISTENT WITH INFORMATION TECHNOLOGY BUDGET JUSTIFICATION FOR THE OPERATIONAL SUPPORT SYSTEMS COMMAND AND CONTROL		**-20,000**
	UNOBLIGATED BALANCES		**-18,000**

PERSONAL PROTECTIVE EYEWEAR

The conferees do not agree to the reporting requirements carried in the Senate report accompanying the Department of Defense Appropriations Act, 2012 regarding the Marine Corps' personal protective eyewear. However, the conferees remain committed to ensuring that the Marine Corps' acquisition program and its performance meet the standards and procedures required for these important protective devices.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, AIR FORCE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	AIR OPERATIONS		
10	PRIMARY COMBAT FORCES	4,224,400	3,564,242
20	COMBAT ENHANCEMENT FORCES	3 417,731	2,706,439
30	AIR OPERATIONS TRAINING	1,482,814	1,380,264
50	DEPOT MAINTENANCE	2,204,131	3,743,606
60	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652 318	1,652,318
70	BASE OPERATING SUPPORT	2,507,179	2,494,679
	COMBAT RELATED OPERATIONS		
80	GLOBAL C3I AND EARLY WARNING	1,492,459	1,282,024
90	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	1,046,226	1,019,538
100	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	696,188	691,188
	SPACE OPERATIONS		
110	LAUNCH FACILITIES	321 484	313,484
120	SPACE CONTROL SYSTEMS	633,738	619,552
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	664,262
140	COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
140	CONTRACTOR LOGISTICS SUPPORT	---	-200,000
	TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE (BA1 UNDISTRIBUTED)	---	-470,000
	TOTAL BUDGET ACTIVITY 1	20,584,637	19,632,077

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	BUDGET ACTIVITY 2 MOBILIZATION		
	MOBILITY OPERATIONS		
150	AIRLIFT OPERATIONS	2,988,221	2,543,389
160	MOBILIZATION PREPAREDNESS	150,724	150,724
170	DEPOT MAINTENANCE	373,568	813,400
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	388,103
190	BASE SUPPORT	674,230	674 230
	TOTAL, BUDGET ACTIVITY 2	4,574,846	4,569,846
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
	ACCESSION TRAINING		
200	OFFICER ACQUISITION	114,448	114,448
210	RECRUIT TRAINING	22,192	22,192
220	RESERVE OFFICER TRAINING CORPS (ROTC)	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	430,090
240	BASE SUPPORT (ACADEMIES ONLY)	789,654	749,654
	BASIC SKILLS AND ADVANCED TRAINING		
250	SPECIALIZED SKILL TRAINING	481,357	471,357
260	FLIGHT TRAINING	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280	TRAINING SUPPORT	108,248	108,248
290	DEPOT MAINTENANCE	6,386	6,386
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
300	RECRUITING AND ADVERTISING	136,102	136,102
310	EXAMINING	3,079	3,079
320	OFF DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING	202,767	189,767
340	JUNIOR ROTC	75,259	75,259
	TOTAL, BUDGET ACTIVITY 3	3,784,222	3,721,222

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	LOGISTICS OPERATIONS		
350	LOGISTICS OPERATIONS	1,112,878	1,112,252
360	TECHNICAL SUPPORT ACTIVITIES	785,150	785,150
370	DEPOT MAINTENANCE	14,356	14,982
380	FACILITIES SUSTAINMENT RESTORATION & MODERNIZATION	416,588	416,588
390	BASE SUPPORT	1,219,043	1,219,043
	SERVICEWIDE ACTIVITIES		
400	ADMINISTRATION	662,180	662,180
410	SERVICEWIDE COMMUNICATIONS	650,689	650,689
420	OTHER SERVICEWIDE ACTIVITIES	1,078,769	1,060,769
430	CIVIL AIR PATROL CORPORATION	23,338	27,838
	SUPPORT TO OTHER NATIONS		
460	INTERNATIONAL SUPPORT	72,589	72,589
	OTHER PROGRAMS		
	OTHER PROGRAMS	1,219,848	1,200,261
	IMPROVED MANAGEMENT OF TELECOM SERVICES	-	-10,000
	TOTAL BUDGET ACTIVITY 4	7,257,428	7,212,341
	EXCESS WORKING CAPITAL FUND CARRY OVER		-90,000
	UNOBLIGATED BALANCES	-	-60,000
	TOTAL OPERATION AND MAINTENANCE, AIR FORCE	36,195,133	34,985,486

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
011A	**PRIMARY COMBAT FORCES**	**4,224,400**	**3,564,242**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-590,158
	Transfer to title IX -Theater Security Package		-70,000
011C	**COMBAT ENHANCEMENT FORCES**	**3,417,731**	**2,706,439**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-673,292
	Unjustified Increase in Travel		-10,000
	Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-4,000
	Removal of One-Time fiscal year 2011 Costs for Software Maintenance Requirements		-24,000
011D	**AIR OPERATIONS TRAINING**	**1,482,814**	**1,380,264**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-102,550
011M	**DEPOT MAINTENANCE**	**2,204,131**	**3,743,606**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		590,158
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		673,292
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		102,550
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		198,435
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		12,688
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		7,186
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		166
	Efficiency Due to Consolidation of Management of Depot Maintenance		-45,000
011Z	**BASE OPERATING SUPPORT**	**2,507,179**	**2,494,679**
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities		-25,000
	Environmental Conservation for Ranges to Address Shortfalls		12,500
012A	**GLOBAL C3I AND EARLY WARNING**	**1,492,459**	**1,282,024**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-198,435
	Removal of One-Time fiscal year 2011 Costs for Long Range Radar Service Life Extension Program		-12,000
012C	**OTHER COMBAT OPERATIONS SUPPORT PROGRAMS**	**1,046,226**	**1,019,538**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-12,688
	Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-14,000

O-1		Budget Request	Conference
012F	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	696,188	691,188
	Classified Adjustment		-5,000
013A	LAUNCH FACILITIES	321,484	313,484
	Overstated Requirement for Additional fiscal year 2012 Funding for Satellite and Launcher Control Ranges		-8,000
013C	SPACE CONTROL SYSTEMS	633,738	619,552
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-7,186
	Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-7,000
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	664,262
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-166
	Transfer to title IX and Program Reduction - Military Information Support Operations		-33,700
	Strategic Command Program Decreases not Accounted for in Budget Documentation		-20,000
	Transfer to title IX - CENTCOM HQ C4		-12,500
	Transfer to title IX - CENTCOM Public Affairs		-4,860
	CONTRACTOR LOGISTICS SUPPORT		-200,000
	TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE		-470,000
021A	AIRLIFT OPERATIONS	2,988,221	2,543,389
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-444,832
021M	DEPOT MAINTENANCE	373,568	813,400
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		444,832
	Efficiency Due to Consolidation of Management of Depot Maintenance		-5,000
031Z	BASE SUPPORT (ACADEMIES ONLY)	789,654	749,654
	Budget Justification does not Match Summary of Price and Program Changes for Utilities		-25,000
	Unjustified Growth for Competitive Sourcing and Privatization		-15,000
032A	SPECIALIZED SKILL TRAINING	481,357	471,357
	Budget Justification does not Match Summary of Price and Program Changes for Equipment Maintenance by Contract		-10,000
033D	CIVILIAN EDUCATION AND TRAINING	202,767	189,767
	Maintain Service Contracts at the fiscal year 2011 Level		-13,000
041A	LOGISTICS OPERATIONS	1,112,878	1,112,252
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-626

O-1		Budget Request	Conference
041M	**DEPOT MAINTENANCE**	**14,356**	**14,982**
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		626
042G	**OTHER SERVICEWIDE ACTIVITIES**	**1,078,769**	**1,060,769**
	National Aeronautics and Space Agency Orbiter Change in Requirement		-11,000
	Budget Justification does not Match Summary of Price and Program Changes for Defense Finance and Accounting Services		-7,000
042I	**CIVIL AIR PATROL CORPORATION**	**23,338**	**27,838**
	Civil Air Patrol		4,500
043A	**SECURITY PROGRAMS**	**1,215,848**	**1,200,261**
	Classified Adjustment		-15,587
	IMPROVED MANAGEMENT OF TELECOM SERVICES		**-10,000**
	EXCESS WORKING CAPITAL FUND CARRYOVER		**-90,000**
	UNOBLIGATED BALANCES		**-60,000**

VISIBILITY OF DEPOT MAINTENANCE FUNDING

All depot maintenance funding contained in the Air Force's fiscal year 2012 budget request has been identified, consolidated, and displayed in the Depot Maintenance Sub-activity Group. In fiscal year 2013, all depot maintenance funds requested in the budget must be discretely visible and fully justified. Air Force officials have provided assurances that contracts will be modified as necessary to include specific accounting of depot maintenance costs and that implementation of the Air Force's Next Generation Contractor Logistics Support concept will provide needed data in the required format to achieve full cost visibility and proper accounting of depot maintenance funding in the future.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	563,787	558,287
20	SPECIAL OPERATIONS COMMAND	3,986,766	3,893,859
	TOTAL, BUDGET ACTIVITY 1	4,550,553	4,452,146
	BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
30	DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
40	NATIONAL DEFENSE UNIVERSITY	93,348	93,348
	TOTAL, BUDGET ACTIVITY 3	217,423	217,423
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
50	CIVIL MILITARY PROGRAMS	159,692	169,692
80	DEFENSE CONTRACT AUDIT AGENCY	508,822	495,722
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
140	DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
150	DEFENSE LOGISTICS AGENCY	450,863	455,263
160	DEFENSE MEDIA ACTIVITY	256,133	256,133
170	DEFENSE POW /MISSING PERSONS OFFICE	22 372	22,372
200	DEFENSE TECHNOLOGY SECURITY AGENCY	33,848	33,848
210	DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,738,677
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,419	646,289
90	DEFENSE CONTRACT MANAGEMENT AGENCY	1,147 366	1,147,366

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
180	DEFENSE SECURITY COOPERATION AGENCY	6[illegible] 831	530,551
190	DEFENSE SECURITY SERVICE	5[illegible] 366	505,366
230	MISSILE DEFENSE AGENCY	202 758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT	81 754	91,754
260	OFFICE OF THE SECRETARY OF DEFENSE	2 2[illegible] 964	2,164,564
270	WASHINGTON HEADQUARTERS SERVICES	563,184	556,684
	TOTAL BUDGET ACTIVITY 4	12 [illegible] 941	11 858,931
	IMPACT AID		40,000
	IMPACT AID FOR CHILDREN WITH DISABILITIES	-	5,000
	OTHER PROGRAMS	14 [illegible] 492	13,628,508
	UNOBLIGATED BALANCES	-	-50,000
	TOTAL OPERATION AND MAINTENANCE DEFENSE-WIDE	30 9[illegible] 409	30 152,008

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1	Budget Request	Conference
JOINT CHIEFS OF STAFF	**563,787**	**558,287**
Reduce Civilian Personnel fiscal year 2012 Average Salary Growth		-5,500
SPECIAL OPERATIONS COMMAND	**3,986,766**	**3,893,859**
Sustaining Base Communications - Excessive Growth		-8,000
Aviation Foreign Internal Defense		-17,607
Transfer to title IX and Program Reduction - Military Information Support Operations		-57,300
Reduce Civilian Personnel fiscal year 2012 Average Salary Growth		-10,000
CIVIL MILITARY PROGRAMS	**159,692**	**169,692**
Youth ChalleNGe		5,000
STARBASE Youth Program		5,000
DEFENSE CONTRACT AUDIT AGENCY	**508,822**	**495,722**
Transfer from Excess Support Overhead Costs for Additional Contract Oversight		26,100
Reduction in Non-Pay Personnel Support Overhead Costs		-39,200
DEFENSE LOGISTICS AGENCY	**450,863**	**455,263**
Unjustified Request for the Defense Property Accountability System Program Office		-1,600
Efficiencies in the Continuity of Operations Policy		-3,000
Procurement Technical Assistance Program		9,000
DEFENSE DEPENDENTS EDUCATION	**2,768,677**	**2,738,677**
Restore Unjustified Reduction for Educational Partnership Program		43,000
Transfer to title IX - Child Care and Counseling		-73,000
DEFENSE HUMAN RESOURCES ACTIVITY	**676,419**	**646,289**
Fully Fund Wounded Care and Transition Policy Office		300
Unjustified Increase for the Request for Defense Advisory Committee on Women in the Services Program Reporting		-430
Overstatement of fiscal year 2012 Costs for Civilian Personnel		-30,000
DEFENSE SECURITY COOPERATION AGENCY	**682,831**	**530,551**
Global Train and Equip Program		-150,000
Security Cooperation Assessment Office		-2,280
OFFICE OF ECONOMIC ADJUSTMENT	**81,754**	**91,754**
Program Increase		10,000
OFFICE OF THE SECRETARY OF DEFENSE	**2,201,964**	**2,164,564**
Unjustified Growth for Boards and Commissions		-7,300
Unjustified Growth for the Office of the Under Secretary of Defense, Policy and for other OSD Programs		-10,100
Unjustified Growth for Equipment Maintenance by Contract		-10,000
Additional Efficiencies Based on Disestablishment of the Assistant Secretary of Defense (Networks and Information Integration)		-10,000

O-1	Budget Request	Conference
WASHINGTON HEADQUARTERS SERVICES	**563,184**	**556,684**
Removal of fiscal year 2011 Costs Budgeted for the Defense Agencies Initiative		-6,500
OTHER PROGRAMS	**14,068,492**	**13,628,508**
Classified Adjustment		-439,984
IMPACT AID		**40,000**
UNOBLIGATED BALANCES		**-50,000**
IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES		**5,000**

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, ARMY RESERVE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	LAND FORCES		
10	MANEUVER UNITS	1,091	1,091
20	MODULAR SUPPORT BRIGADES	18,129	18,129
30	ECHELONS ABOVE BRIGADES	492,705	492,705
40	THEATER LEVEL ASSETS	137,304	137,304
50	LAND FORCES OPERATIONS SUPPORT	597,786	597,786
60	AVIATION ASSETS	67,366	67,366
	LAND FORCES READINESS		
70	FORCES READINESS OPERATIONS SUPPORT	474,966	448,523
80	LAND FORCES SYSTEM READINESS	69,841	69,841
90	DEPOT MAINTENANCE	247,010	247,010
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	590,078	583,078
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	255,618	255,618
	TOTAL, BUDGET ACTIVITY 1	2,951,894	2,918,451
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	14,447	14,447
140	ADMINISTRATION	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS	3,844	3,844
160	PERSONNEL/FINANCIAL ADMINISTRATION	9,033	9,033
170	RECRUITING AND ADVERTISING	53,565	53,565
	TOTAL, BUDGET ACTIVITY 4	157,282	157,282
	DENY INCREASE BUDGETED FOR FY 12 PRICE GROWTH FOR CIVILIAN PERSONNEL COMPENSATION	---	-4,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	3,109,176	3,071,733

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
121	**FORCES READINESS OPERATIONS SUPPORT**	**474,966**	**448,523**
	Unjustified Funding for Milcon Planning and Design		-20,443
	Sustainment Costs for Weapons of Mass Destruction Equipment Purchases not Needed in fiscal year 2012		-6,000
131	**BASE OPERATIONS SUPPORT**	**590,078**	**583,078**
	Reduction for Payments to the General Services Administration for Standard Level User Charges not Properly Accounted for in Budget Documentation		-7,000
	UNJUSTIFIED INCREASE BUDGETED FOR FISCAL YEAR 2012 PRICE GROWTH FOR CIVILIAN COMPENSATION		**-4,000**

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, NAVY RESERVE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	RESERVE AIR OPERATIONS		
10	MISSION AND OTHER FLIGHT OPERATIONS	622,868	622,868
20	INTERMEDIATE MAINTENANCE	16,041	16,041
30	AIR OPERATIONS AND SAFETY SUPPORT	1,511	1,511
40	AIRCRAFT DEPOT MAINTENANCE	123,547	123,547
50	AIRCRAFT DEPOT OPERATIONS SUPPORT	379	379
	RESERVE SHIP OPERATIONS		
60	MISSION AND OTHER SHIP OPERATIONS	49,701	49,701
70	SHIP OPERATIONAL SUPPORT AND TRAINING	593	593
80	SHIP DEPOT MAINTENANCE	53,916	53,916
	RESERVE COMBAT OPERATIONS SUPPORT		
90	COMBAT COMMUNICATIONS	15,445	15,445
100	COMBAT SUPPORT FORCES	153,942	153,942
	RESERVE WEAPONS SUPPORT		
110	WEAPONS MAINTENANCE	7,292	7,292
120	ENTERPRISE INFORMATION TECHNOLOGY	75,131	57,131
	BASE OPERATING SUPPORT		
130	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	72,083	72,083
140	BASE OPERATING SUPPORT	109,024	109,024
	TOTAL, BUDGET ACTIVITY 1	1,301,473	1,283,473

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
150	ADMINISTRATION	1,857	1,857
160	MILITARY MANPOWER & PERSONNEL	14 438	14,438
170	SERVICEWIDE COMMUNICATIONS	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
	TOTAL BUDGET ACTIVITY 4	21,661	21,661
	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,323,134	1,305,134

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
BSIT	**ENTERPRISE INFORMATION TECHNOLOGY**	**75,131**	**57,131**
	Unjustified Growth for Next Generation Enterprise Network Seat Services		-18,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	EXPEDITIONARY FORCES		
10	OPERATING FORCES	94,604	94,604
20	DEPOT MAINTENANCE	16,382	16,382
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	31,520	31,520
50	BASE OPERATING SUPPORT	105,809	105,809
	TOTAL, BUDGET ACTIVITY 1	248,315	248,315
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
70	SERVICEWIDE TRANSPORTATION	852	852
80	ADMINISTRATION	13,257	13,257
90	RECRUITING AND ADVERTISING	9,019	9,019
	TOTAL, BUDGET ACTIVITY 4	23,128	23,128
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS RESERVE	271,443	271,443

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	AIR OPERATIONS		
10	PRIMARY COMBAT FORCES	2 171,853	2,171,853
20	MISSION SUPPORT OPERATIONS	116 513	116,513
30	DEPOT MAINTENANCE	471,707	471,707
40	FACILITIES SUSTAINMENT RESTORATION & MODERNIZATION	77,161	77,161
50	BASE OPERATING SUPPORT	308,974	308,974
	TOTAL, BUDGET ACTIVITY 1	3,146,208	3,146,208
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
60	ADMINISTRATION	84,423	84,423
70	RECRUITING AND ADVERTISING	17,076	17,076
80	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,688	19,688
90	OTHER PERSONNEL SUPPORT	6,170	6,170
100	AUDIOVISUAL	794	794
	TOTAL, BUDGET ACTIVITY 4	128,151	128,151
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	3,274,359	3,274,359

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	LAND FORCES		
10	MANEUVER UNITS	634,181	634,181
20	MODULAR SUPPORT BRIGADES	189,899	189,899
30	ECHELONS ABOVE BRIGADE	751,899	751,899
40	THEATER LEVEL ASSETS	112,971	112,971
50	LAND FORCES OPERATIONS SUPPORT	33,972	33,972
60	AVIATION ASSETS	854,048	838,048
	LAND FORCES READINESS		
70	FORCE READINESS OPERATIONS SUPPORT	706,299	706,299
80	LAND FORCES SYSTEMS READINESS	50,453	50,453
90	LAND FORCES DEPOT MAINTENANCE	646,608	646,608
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	1,028,126	988,626
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	618,513	618,513
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	792,575	787,575
	UNEXECUTABLE OPTEMPO GROWTH	---	-25,000
	TOTAL, BUDGET ACTIVITY 1	6,419,544	6,334,044

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	BUDGET ACTIVITY 4. ADMIN & SERVICEWIDE ACTIVITIES		
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	11,703	11,703
150	ADMINISTRATION	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS	42,073	42,073
170	MANPOWER MANAGEMENT	6,789	6,789
180	RECRUITING AND ADVERTISING	382,668	382,668
	TOTAL, BUDGET ACTIVITY 4	621,888	621,888
	DENY FY 12 BUDGETED PRICE GROWTH FOR CIVILIAN PERSONNEL COMPENSATION	---	-11,000
	REDUCTION NON-DUAL STATUS TECHNICIAN LIMITATION	---	-20,000
	TOTAL, OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	7,041,432	6,924,932

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
131	**BASE OPERATIONS SUPPORT**	**1,028,126**	**988,626**
	Unjustified Growth for Travel		-25,000
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation		-10,000
	Unjustified Growth for Public Affairs		-4,500
133	**MANAGEMENT AND OPERATIONAL HEADQUARTERS**	**792,575**	**787,575**
	Army National Guard-Identified Excess		-5,000
	UNEXECUTABLE OPTEMPO GROWTH		**-25,000**
	UNJUSTIFIED INCREASE BUDGETED FOR FISCAL YEAR 2012 PRICE GROWTH FOR CIVILIAN COMPENSATION		**-11,000**
	REDUCTION IN NON-DUAL STATUS TECHNICIAN LIMITATION		**-20,000**

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		
	BUDGET ACTIVITY 1 OPERATING FORCES		
	AIR OPERATIONS		
10	AIRCRAFT OPERATIONS	3 651,900	3,647,900
20	MISSION SUPPORT OPERATIONS	751,519	751,519
30	DEPOT MAINTENANCE	753,525	753,525
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	284,348
50	BASE OPERATING SUPPORT	621,942	598,442
	TOTAL, BUDGET ACTIVITY 1	6,063,234	6,035,734
	BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
60	ADMINISTRATION	39,387	39,387
70	RECRUITING AND ADVERTISING	33,659	33,659
	TOTAL, BUDGET ACTIVITY 4	73,046	73,046
	O&M AIR NATIONAL GUARD REQUEST INCONSISTENT WITH MILITARY INTELLIGENCE PROGRAM (MIP) BUDGET JUSTIFICATION FOR AIR INTELLIGENCE SYSTEMS	---	-10,000
	TOTAL, OPERATION & MAINTENANCE, AIR NATIONAL GUARD	6,136,280	6,098,780

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
011F	**AIRCRAFT OPERATIONS**	**3,651,900**	**3,647,900**
	Overstated Requirement for Additional fiscal year 2012 Funding for Air Sovereignty Alert Program		-4,000
011Z	**BASE OPERATING SUPPORT**	**621,942**	**598,442**
	Request Inconsistent With Information Technology Budget Justification for Base Level Communications Infrastructure		-23,500
	REQUEST INCONSISTENT WITH MILITARY INTELLIGENCE PROGRAM (MIP) BUDGET JUSTIFICATION FOR AIR INTELLIGENCE SYSTEMS		**-10,000**

UNITED STATES COURT OF APPEALS FOR THE ARMED SERVICES

The conference agreement provides $13,861,000 for the United States Court of Appeals for the Armed Services, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION

The conference agreement provides $1,517,363,000 for the Environmental Restoration program, as proposed by the Senate, instead of $1,467,363,000 as proposed by the House.

CONTRACT OVERSIGHT AND TRANSPARENCY

The conferees are pleased that the adoption of performance-based contracting has led to increased efficiencies within the Department of Defense Environmental Restoration program. However, improved oversight and management would bring even greater benefits. The conferees direct the Secretary of Defense to implement measures to improve management of the program and to institute a process by which better oversight can be conducted of the contracting process and progress of cleanup.

Additionally, included as part of the Defense Environmental Program's Annual Report to Congress, the Secretary of Defense is directed to provide the following information: the amount of environmental restoration funding provided to each installation during the previous year as well as the subsequent reduction in the projected cost-to-complete at that installation, a listing along with explanation of those installations where the cost-to-complete is not reduced by the corresponding amount of monetary investment, a detailed justification regarding any increase of ten percent or more in the projected cost-to-complete from the previous year at an installation, and a detailed justification for any installation in which the projected ''response complete'' date has been delayed by a year or more from the previous year.

ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides $346,031,000 for Environmental Restoration, Army, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides $308,668,000 for Environmental Restoration, Navy, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $525,453,000 for Environmental Restoration, Air Force, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides $10,716,000 for Environmental Restoration, Defense-Wide, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conference agreement provides $326,495,000 for Environmental Restoration, Formerly Used Defense Sites, as proposed by the Senate, instead of $276,495,000 as proposed by the House.

NATIONAL CAPITAL REGION ENVIRONMENTAL HEALTH STUDY

The conferees encourage the Secretary of Defense to support both new and ongoing public health scoping studies of densely populated residential communities located on or near formerly used defense sites that have conducted research and tested chemical agents, equipment, and munitions.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $107,662,000 for Overseas Humanitarian, Disaster, and Civic Aid, as proposed by both the House and the Senate.

COOPERATIVE THREAT REDUCTION ACCOUNT

The conference agreement provides $508,219,000 for the Cooperative Threat Reduction Account, as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

The conference agreement provides $105,501,000 for the Department of Defense Acquisition Workforce Development Fund (DAWDF), as proposed by the House, instead of $175,501,000 as proposed by the Senate, a reduction of $200,000,000 below the request.

Along with the funding reduction due to carryover from large unobligated balances for the past several years, the conferees believe the Department should reassess further growth of its acquisition workforce in light of two considerations. First, the goal of 147,000 personnel set forth in the 2010 Human Capital Plan Update should be revisited considering today's uncertain fiscal environment and budgetary outlook. For example, 10 USC 1705 mandates annual funding floors for the DAWDF—floors that exceed $1,000,000,000 in the outyears. The conferees believe that these floors may need to be adjusted and direct the Secretary of Defense to provide recommendations for appropriate funding levels to the congressional defense committees not later than 180 days after enactment of this Act. Second, the conferees are aware that the Department has not yet completed competency assessments for all of the functional areas that compose this workforce, which suggests the ability to assess the full range of required competencies within the workforce may be limited. Having these assessments completed is essential to understanding how best to prioritize future hiring and to optimize workforce training. The conferees direct the Secretary of Defense to publish a revised strategic Human Capital Plan Update for the defense acquisition workforce not later than August 1, 2012, detailing future workforce needs. In so doing, the conferees expect the Secretary to ensure that competency assessments for all functional areas that make up the defense acquisition workforce are completed, using DAWDF resources to facilitate this task if necessary.

To assist in the Human Capital Plan Update, the conferees direct the Comptroller General to report on the funding mechanisms and statutory limits established for the DAWDF through Section 852 of the National Defense Authorization Act, 2008 and codified by 10 USC 1705 to the congressional defense committees not later than 180 days after enactment of this Act. The current statute should be revisited in the near term. Absent this, the Department will be forced either to over-commit precious resources or violate the law, neither of which is an acceptable option. Therefore, the Comptroller General report should include recommendations to improve the overall funding process for the DAWDF.

TITLE III—PROCUREMENT

The conference agreement provides $104,579,701,000 in Title III, Procurement, instead of $107,581,474,000 as proposed by the House and $102,118,282,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SUMMARY		
ARMY		
AIRCRAFT	7,061,381	5,360,334
MISSILES	1,478,718	1,461,223
WEAPONS, TRACKED COMBAT VEHICLES	1,933,512	2,070,405
AMMUNITION	1,992,625	1,884,424
OTHER	9,682,592	7,924,214
TOTAL, ARMY	22,148,828	18,700,600
NAVY		
AIRCRAFT	18,587,033	17,675,734
WEAPONS	3,408,478	3,224,432
AMMUNITION	719,952	626,848
SHIPS	14,928,921	14,919,114
OTHER	6,285,451	6,013,385
MARINE CORPS	1,391,602	1,422,570
TOTAL, NAVY	45,321,437	43,882,083
AIR FORCE		
AIRCRAFT	14,082,527	12,950,000
MISSILES	6,074,017	6,080,877
AMMUNITION	539,065	499,185
OTHER	17,602,036	17,403,564
TOTAL, AIR FORCE	38,297,645	36,933,626
DEFENSE-WIDE		
DEFENSE-WIDE	5,365,248	4,893,428
DEFENSE PRODUCTION ACT PURCHASES	19,964	169,964
TOTAL PROCUREMENT	111,153,122	104,579,701

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase ''only for'' or ''only to'' in this report are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount specifically addressed in the explanatory statement.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109–119). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement and $10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the combined value of transfers into or out of a procurement (P–1) or research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

REPROGRAMMING REPORTING REQUIREMENTS

The conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for Service and defense-wide accounts in titles III and IV of this Act as required in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006.

JOINT STRIKE FIGHTER

The conference agreement reduces the budget request by $151,000,000 for the procurement of one F–35A Conventional Take-off and Landing aircraft, by $94,500,000 for advance procurement of Conventional Take-off and Landing aircraft, and by $109,000,000 for advance procurement of Carrier Variant aircraft. Additionally, the conferees are concerned with the cost of concurrency changes on the Joint Strike Fighter program and provide $100,000,000 to help offset the cost of concurrency for lot six aircraft and previously procured aircraft. The conferees encourage the Joint Strike Fighter Team to review processes and oversight of concurrency changes and establish a process that will reduce the time it takes to discover a problem, develop a solution, and implement this solution to reduce future concurrency change costs.

The conferees recognize that, for a variety of reasons, the Joint Strike Fighter program is burdened with what could be the highest level of concurrency ever seen in an acquisition program. Therefore, the conferees direct the Secretary of Defense to provide a semi-annual report to the congressional defense committees that shows the actual concurrency costs for the Joint Strike Fighter program. The report showing these actual concurrency costs shall be made available to the Director, Cost Assessment and Program Evaluation for the purposes of cost estimating and to develop lessons learned from allowing programmatic concurrency, so this cost can be considered when decisions are made regarding allowing such a high degree of concurrency in future programs.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
1	UTILITY F/W CARGO AIRCRAFT	14 572	14,572
3	AERIAL COMMON SENSOR (ACS) (MIP)	539,574	-
4	MQ-1 UAV	658,798	---
5	RQ-11 (RAVEN)	70,762	70,762
	ROTARY		
7	HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
9	AH-64 APACHE BLOCK IIIA REMAN	411,005	368,505
10	AH-64 APACHE BLOCK IIIA REMAN (AP-CY)	192,764	192,764
11	AH-64 APACHE BLOCK IIIB NEW BUILD	104,263	104,263
12	UH-60 BLACKHAWK (MYP)	1,325,666	1,317,666
13	UH-60 BLACKHAWK (MYP) (AP CY)	199,781	199,781
14	CH-47 HELICOPTER	1,305,360	1,239,360
15	CH-47 HELICOPTER (AP CY)	54,956	120,956
	TOTAL, AIRCRAFT	5,127,916	3,879,044
	MODIFICATION OF AIRCRAFT		
19	MQ-1 PAYLOAD - UAS	136,183	---
21	GUARDRAIL MODS (MIP)	27,575	27,575
22	MULTI SENSOR ABN RECON (MIP)	8,362	8,362
23	AH-64 MODS	331,230	331,230
24	CH-47 CARGO HELICOPTER MODS	79,712	57,012
25	UTILITY/CARGO AIRPLANE MODS	22,107	12,107
27	UTILITY HELICOPTER MODS	80,745	74,745
28	KIOWA WARRIOR	162,052	92,552
30	NETWORK AND MISSION PLAN	138,832	136,432
31	COMMS, NAV SURVEILLANCE	132,855	117,855
32	GATM ROLLUP	105,519	105,519
33	RQ 7 UAV MODS	126,239	76,239
	TOTAL, MODIFICATION OF AIRCRAFT	1,351,411	1,039,628

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
35	AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993
37	CMWS	162,811	104,251
	OTHER SUPPORT		
38	AVIONICS SUPPORT EQUIPMENT	4,840	4,840
39	COMMON GROUND EQUIPMENT	176,212	114,517
40	AIRCREW INTEGRATED SYSTEMS	82,883	62,746
41	AIR TRAFFIC CONTROL	114,844	114,844
42	INDUSTRIAL FACILITIES	1,593	1,593
43	LAUNCHER, 2 75 ROCKET	2,878	2,878
	TOTAL, SUPPORT EQUIPMENT AND FACILITIES	582,054	441,662
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	7,061,381	5,360,334

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
3	**AERIAL COMMON SENSOR (ACS) (MIP)**	**539,574**	**0**
	EMARSS - program delays		-539,574
4	**MQ-1 UAV**	**658,798**	**0**
	Unjustified production ramp		-108,000
	Transfer to title IX		-550,798
9	**AH-64 APACHE BLOCK IIIA REMAN**	**411,005**	**368,505**
	Unit Cost Pricing Adjustment		-42,500
12	**UH-60 BLACKHAWK (MYP)**	**1,325,666**	**1,317,666**
	Program Management - unjustified growth		-8,000
14	**CH-47 HELICOPTER**	**1,305,360**	**1,239,360**
	MH-47G - Advance Procurement - Army requested transfer to line 15		-66,000
15	**CH-47 HELICOPTER (AP-CY)**	**54,956**	**120,956**
	MH-47G - Advance Procurement - Army requested transfer from line 14		66,000
19	**MQ-1 PAYLOAD - UAS**	**136,183**	**0**
	Transfer to title IX		-136,183
24	**CH-47 CARGO HELICOPTER MODS**	**79,712**	**57,012**
	Cargo On/Off Loading System - contract delays		-17,800
	Ballistic Protection System - contract delays		-4,900
25	**UTILITY/CARGO AIRPLANE MODS**	**22,107**	**12,107**
	Contract delays		-10,000
27	**UTILITY HELICOPTER MODS**	**80,745**	**74,745**
	Contract delays		-6,000
28	**KIOWA WARRIOR**	**162,052**	**92,552**
	Cockpit and Sensor Upgrade Program ahead of need		-69,500
30	**NETWORK AND MISSION PLAN**	**138,832**	**136,432**
	Aviation Data Exploitation Capability - ahead of need		-2,400
31	**COMMS, NAV SURVEILLANCE**	**132,855**	**117,855**
	JTRS Integration ahead of need		-15,000
33	**RQ-7 UAV MODS**	**126,239**	**76,239**
	Funding ahead of need		-50,000

P-1		Budget Request	Conference
37	**COMMON MISSILE WARNING SYSTEM**	**162,811**	**104,251**
	CMWS A Kit Production and Installation contract delays		-58,560
39	**COMMON GROUND EQUIPMENT**	**176,212**	**114,517**
	Aviation Light Utility Mobile Maintenance Capability		-3,287
	Aviation Sets Kits and Outfits - contract delays		-58,408
40	**AIRCREW INTEGRATED SYSTEMS**	**82,883**	**62,746**
	Air Soldier System ahead of need		-20,137

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	SURFACE-TO-AIR MISSILE SYSTEM		
1	PATRIOT SYSTEM SUMMARY	662,231	662,231
2	MSE MISSILE	74,953	74,953
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	1,410	1,410
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	160,767
6	TOW 2 SYSTEM SUMMARY	61,676	58,676
7	TOW 2 SYSTEM SUMMARY (AP-CY)	19,886	19,886
9	GUIDED MLRS ROCKET (GMLRS)	314,167	314,167
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	31,674	31,674
	TOTAL, OTHER MISSILES	1,344,939	1,341,939
	MODIFICATION OF MISSILES		
	MODIFICATIONS		
12	PATRIOT MODS	66,925	66,925
13	STINGER MODS	14,495	---
14	ITAS/TOW MODS	13,577	13,577
15	MLRS MODS	8,236	8,236
16	HIMARS MODIFICATIONS	11,670	11,670
	TOTAL, MODIFICATION OF MISSILES	114,903	100,408
	SPARES AND REPAIR PARTS		
18	SPARES AND REPAIR PARTS	8,700	8,700
	SUPPORT EQUIPMENT AND FACILITIES		
19	AIR DEFENSE TARGETS	3,674	3,674
20	ITEMS LESS THAN $5 OM (MISSILES)	1,459	1,459
21	PRODUCTION BASE SUPPORT	5,043	5,043
	TOTAL, SUPPORT EQUIPMENT AND FACILITIES	10,176	10,176
	TOTAL, MISSILE PROCUREMENT, ARMY	1,478,718	1,461,223

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
6	**TOW 2 SYSTEM SUMMARY**	**61,676**	**58,676**
	Unit Cost Efficiencies		-3,000
13	**STINGER MODS**	**14,495**	**0**
	Procurement early to need - Transfer to RDTE,A line 169		-14,495

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT OF W&TCV ARMY		
	TRACKED COMBAT VEHICLES		
1	STRYKER VEHICLE	632 994	606,894
	MODIFICATION OF TRACKED COMBAT VEHICLES		
5	STRYKER (MOD)	52 797	51,497
6	FIST VEHICLE (MOD)	43,962	35,082
7	BRADLEY PROGRAM (MOD)	250,710	250,710
8	HOWITZER, MED SP FT 155MM M109A6 (MOD)	46 876	46,876
9	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	7,452
10	ARMORED BREACHER VEHICLE	99,904	97,004
11	M88 FOV MODS	32,483	32,483
13	M1 ABRAMS TANK (MOD)	160,578	131,178
14	ABRAMS UPGRADE PROGRAM	181,329	436,329
	SUPPORT EQUIPMENT AND FACILITIES		
15	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,073	1,073
	TOTAL, TRACKED COMBAT VEHICLES	1,513,158	1,696,578
	WEAPONS AND OTHER COMBAT VEHICLES		
17	INTEGRATED AIR BURST WEAPON SYS FAMILY	16,046	...
19	MACHINE GUN, CAL 50 M2 ROLL	65,102	31,102
20	LIGHTWEIGHT 50 CALIBER MACHINE GUN	28,796	13,930
23	MORTAR SYSTEMS	12,477	10,177
25	XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
27	M4 CARBINE	35,015	21,700
28	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	6,707
31	HOWITZER LT WT 155MM (T)	13,066	13,066

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	MOD OF WEAPONS AND OTHER COMBAT VEH		
33	M4 CARBINE MODS	25,092	25,092
34	M2 50 CAL MACHINE GUN MODS	14,856	48,856
35	M249 SAW MACHINE GUN MODS	8,480	8,480
36	M240 MEDIUM MACHINE GUN MODS	15,718	15,718
37	SNIPER RIFLES MODIFICATIONS	1,994	1,994
38	M119 MODIFICATIONS	38,701	38,701
39	M16 RIFLE MODS	3,476	3,476
41	MODIFICATIONS LESS THAN $5 OM (WOCV-WTCV)	2,973	2,973
	SUPPORT EQUIPMENT AND FACILITIES		
43	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
44	INDUSTRIAL PREPAREDNESS	424	424
45	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,453	2,453
	TOTAL, WEAPONS AND OTHER COMBAT VEHICLES	313,511	266,984
	SPARE AND REPAIR PARTS		
46	SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,933,512	2,070,405

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
1	STRYKER VEHICLE	632,994	606,894
	Prior year funds available		-26,100
5	STRYKER (MOD)	52,797	51,497
	Excess program management		-1,300
6	FIST VEHICLE (MOD)	43,962	35,082
	Funding ahead of need		-8,880
9	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	7,452
	Excess contractor engineering		-3,000
10	ARMORED BREACHER VEHICLE	99,904	97,004
	Unjustified growth in matrix support and engineering change proposals		-2,900
13	M1 ABRAMS TANK (MOD)	160,578	131,178
	Unjustified technical support		-29,400
14	ABRAMS UPGRADE PROGRAM	181,329	436,329
	Abrams program increase - add 42 vehicles		255,000
17	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	16,046	0
	Army requested transfer to RDTE,A line 84 due to program delays		-16,046
19	MACHINE GUN, CAL .50 M2 ROLL	65,102	31,102
	Army requested transfer to line 34 for correction of safety issue		-34,000
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN	28,796	13,930
	Army requested transfer to RDTE,A line 84 due to program delays		-1,700
	Army revised quantities		-13,166
23	MORTAR SYSTEMS	12,477	10,177
	Excess production engineering		-2,300
27	M4 CARBINE	35,015	21,700
	Excess to need		-13,315
34	M2 50 CAL MACHINE GUN MODS	14,856	48,856
	Army requested transfer from line 19 for correction of safety issue		34,000

M1 TANK

The conferees are aware that the Army has been reviewing alternative courses of action for future tank production. Options have been studied ranging from a temporary shutdown and storage of facilities to adding funds to the tank program in order to maintain a steady flow of new tanks and a ready capacity in case of urgent need. Both the House and the Senate added funds for the Abrams Upgrade Program in fiscal year 2012. The House proposed a funding increase of $272,000,000 and the Senate proposed a funding increase of $240,000,000. The conference agreement provides an additional amount of $255,000,000 above the President's request to continue upgrading M1 tanks to the M1A2SEP variant. The additional funding supports production of 42 additional M1A2SEP tanks. The conferees direct the Secretary of the Army to provide a report not later than 60 days after enactment of this Act on the plan for the use of the additional funds, including the plan to sustain tank production.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5 56MM, ALL TYPES	210,758	210,758
2	CTG 7 62MM ALL TYPES	83,730	83,730
4	CTG, HANDGUN, ALL TYPES	9,064	7,064
5	CTG, 50 CAL, ALL TYPES	131,775	131,775
7	CTG, 25MM, ALL TYPES	14,894	13,694
8	OBJECTIVE FAMILY OF WEAPONS AMMO, ALL T	3,399	---
9	CTG, 30MM, ALL TYPES	118,966	105,966
10	CTG, 40MM, ALL TYPES	84,799	82,599
	MORTAR AMMUNITION		
12	60MM MORTAR, ALL TYPES	31,287	31,287
13	81MM MORTAR, ALL TYPES	12,187	12,187
14	120MM MORTAR, ALL TYPES	108,416	106,916
	TANK AMMUNITION		
15	CTG TANK 105MM AND 120MM ALL TYPES	105,704	65,205
	ARTILLERY AMMUNITION		
17	CTG, ARTY, 75MM AND 105MM ALL TYPES	103,227	103,227
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887
20	PROJ 155MM EXTENDED RANGE XM982	69,074	58,074
21	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	48,205	46,705
	MINES		
23	MINES AND CLEARING CHARGE, ALL TYPES	2,518	2,518
	NETWORKED MUNITIONS		
25	ANTIPERSONNEL LANDMINE ALTERNATIVES	43,123	43,123
	ROCKETS		
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
28	ROCKET HYDRA 70, ALL TYPES	127,265	123,865
	OTHER AMMUNITION		
29	DEMOLITION MUNITIONS, ALL TYPES	53,685	38,685
30	GRENADES ALL TYPES	42,558	42,558
31	SIGNALS, ALL TYPES	26,173	26,173
32	SIMULATORS, ALL TYPES	14,108	14,108
33	ALL OTHER (AMMO)	50	50

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	MISCELLANEOUS		
34	AMMO COMPONENTS, ALL TYPES	18 296	18,296
35	NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
36	CAD/PAD ALL TYPES	5,449	5,449
37	ITEMS LESS THAN $5 MILLION	11,009	11,009
38	AMMUNITION PECULIAR EQUIPMENT.	24,200	24,200
39	FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711
40	CLOSEOUT LIABILITIES	103	---
	TOTAL, AMMUNITION	1,584,738	1,488,537
	AMMUNITION PRODUCTION BASE SUPPORT		
	PRODUCTION BASE SUPPORT		
41	PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
42	LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
43	MAINTENANCE OF INACTIVE FACILITIES	5,533	5,533
44	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	177,789
45	ARMS INITIATIVE	3,273	3,273
	TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	407,887	395,887
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,992,625	1,884,424

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
4	CTG, HANDGUN, ALL TYPES	9,064	7,064
	Funding ahead of need		-2,000
7	CTG, 25MM, ALL TYPES	14,894	13,694
	Prior year funds available		-1,200
8	OBJECTIVE FAMILY OF WEAPONS AMMO, ALL TYPES	3,399	0
	Funding ahead of need		-3,399
9	CTG, 30MM, ALL TYPES	118,966	105,966
	Program growth adjustment		-13,000
10	CTG, 40MM, ALL TYPES	84,799	82,599
	Excess production engineering		-2,200
14	120MM MORTAR, ALL TYPES	108,416	106,916
	Excess production engineering		-1,500
15	CTG TANK 105MM AND 120MM: ALL TYPES	105,704	65,205
	Unjustified request		-499
	Pricing adjustment		-40,000
20	PROJ 155MM EXTENDED RANGE XM982	69,074	58,074
	Program restructure		-11,000
21	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL TYPES	48,205	46,705
	Pricing adjustment		-1,500
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
	Excess production engineering		-1,400
28	ROCKET, HYDRA 70, ALL TYPES	127,265	123,865
	Excess production engineering		-3,400
29	DEMOLITION MUNITIONS, ALL TYPES	53,685	38,685
	Program growth adjustment		-15,000
40	CLOSEOUT LIABILITIES	103	0
	Prior year funds available		-103
44	CONVENTIONAL MUNITIONS DEMILITARIZATION	189,789	177,789
	Contract award delay		-12,000

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
2	SEMITRAILERS, FLATBED	13,496	596
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	422,936
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	21,930	21,930
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	597,794
8	PLS ESP	251,667	251,667
10	MINE PROTECTION VEHICLE FAMILY	56,671	56,671
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	---
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
14	HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
15	TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	39,908
16	MODIFICATION OF IN SVC EQUIP	362,672	344,772
17	MINE-RESISTANT AMBUSH-PROTECTED MODS	142,862	127,862
20	AMC CRITICAL ITEMS, OPA1	20,156	---
	NON-TACTICAL VEHICLES		
21	HEAVY ARMORED SEDAN	1,161	1,161
22	PASSENGER CARRYING VEHICLES	3,222	3,222
23	NONTACTICAL VEHICLES, OTHER	19,869	19,869
	TOTAL, TACTICAL AND SUPPORT VEHICLES	2,313,683	2,049,448

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMM - JOINT COMMUNICATIONS		
24	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
25	WIN-T - GROUND FORCES TACTICAL NETWORK	974,186	865,186
26	JCSE EQUIPMENT (USREDCOM)	4,826	4,826
	COMM SATELLITE COMMUNICATIONS		
28	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
29	SHF TERM	8,910	8,249
31	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	26,368
32	SMART-T (SPACE)	49,704	49,704
33	SCAMP (SPACE)	2,415	2,415
34	GLOBAL BRDCST SVC - GBS	73,374	64,774
35	MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
	COMM - COMBAT SUPPORT		
36	MOD-IN-SERVICE PROFILER	969	969
	COMM - C3 SYSTEM		
37	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
	COMM - COMBAT COMMUNICATIONS		
38	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
39	JOINT TACTICAL RADIO SYSTEM	775,832	427,099
40	RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
41	SINCGARS FAMILY	4,992	500
43	MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	10,827	10,827
45	SPIDER APLA REMOTE CONTROL UNIT	36,224	36,224
47	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
49	GUNSHOT DETECTION SYSTEM (GDS)	3,939	1,000
50	RADIO, IMPROVED HF (COTS) FAMILY	38,535	38,535
51	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	26,232	26,232
	COMM - INTELLIGENCE COMM		
53	CI AUTOMATION ARCHITECTURE (MIP)	1,547	1,547
54	RESERVE CA/MISO GPF EQUIPMENT	28,266	28,266

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	INFORMATION SECURITY		
55	TSEC - ARMY KEY MGT SYS (AKMS)	12 541	12,541
56	INFORMATION SYSTEM SECURITY PROGRAM ISSP	39,349	37,022
56A	FAMILY OF BIOMETRICS	- -	2,327
	COMM - LONG HAUL COMMUNICATIONS		
57	TERRESTRIAL TRANSMISSION	2,232	2,232
58	BASE SUPPORT COMMUNICATIONS	37,780	37,780
59	WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
	COMM - BASE COMMUNICATIONS		
60	INFORMATION SYSTEMS	187,227	131,227
61	DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	310,761	310,761
63	PENTAGON INFORMATION MGT AND TELECOM	4 992	4,992
	ELECT EQUIP		
	ELECT EQUIP - TACT INT REL ACT (TIARA)		
66	JTT/CIBS-M (MIP)	4,657	4,657
67	PROPHET GROUND (MIP)	72,041	72,041
70	DCGS-A (MIP)	144,548	124,548
71	JOINT TACTICAL GROUND STATION (JTAGS)	1,199	1,199
72	TROJAN (MIP)	32,707	32,707
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS)(MIP)	3,493	3,493
75	ITEMS LESS THAN $5 OM (MIP)	802	802
	ELECT EQUIP - ELECTRONIC WARFARE (EW)		
76	LIGHTWEIGHT COUNTER MORTAR RADAR	33 810	33,810
77	WARLOCK	24,104	---
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
81	CI MODERNIZATION (MIP)	1,332	1,332

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ELECT EQUIP - TACTICAL SURV (TAC SURV)		
82	FAAD GBS	7,958	3,958
83	SENTINEL MODS	41,657	41,657
84	SENSE THROUGH THE WALL (STTW)	47,498	47,498
85	NIGHT VISION DEVICES	156 204	156,204
86	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
87	NIGHT VISION, THERMAL WPN SIGHT	186 859	186,859
88	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	10,227
90	COUNTER ROCKET, ARTILLERY & MORTAR	15,774	15,774
92	GREEN LASER INTERDICTION SYSTEM	25,356	25,356
95	PROFILER	3,312	3,312
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
98	JOINT BATTLE COMMAND - PLATFORM (JBC-P)	69,514	69,514
99	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	58,042	58,042
101	MORTAR FIRE CONTROL SYSTEM	21,022	17,022
102	COUNTERFIRE RADARS	227,629	227,629
103	ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
	ELECT EQUIP - TACTICAL C2 SYSTEMS		
104	TACTICAL OPERATIONS CENTERS	54,907	54,907
105	FIRE SUPPORT C2 FAMILY	54,223	54,223
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	12,454	12,454
107	FAAD C2	5,030	5,030
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	62,710	62,710
109	KNIGHT FAMILY	51,488	46,488
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	27,324
115	MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	19,113	19,113

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ELECT EQUIP - AUTOMATION		
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
120	ARMY TRAINING MODERNIZATION	11 192	11,192
121	AUTOMATED DATA PROCESSING EQUIPMENT	220,250	174 772
122	CSS COMMUNICATIONS	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)		
124	ITEMS LESS THAN $5 OM (A/V)	10,437	10,437
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	7,480	4,395
	ELECT EQUIP - SUPPORT		
126	PRODUCTION BASE SUPPORT (C-E)	571	571
127	BCT NETWORK	---	---
	TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	5,077,905	4,352,522
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
130	BASE DEFENSE SYSTEMS (BDS)	41,204	41,204
131	CBRN SOLDIER PROTECTION . .	10,700	10,700
132	SMOKE & OBSCURANT FAMILY SOF (NON AAO ITEM)	362	362
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGING	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136	GROUND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM	30,297	22,297
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS	14,672	14,672
140	ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT	7,352	7,352

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	COMBAT SERVICE SUPPORT EQUIPMENT		
142	HEATERS AND ECU'S	10,109	10,109
144	SOLDIER ENHANCEMENT	9,591	9,591
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147	GROUND SOLDIER SYSTEM	184,072	63,500
148	MOUNTED SOLDIER SYSTEM	43,419	5,000
150	FIELD FEEDING EQUIPMENT	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	68,392
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154	ITEMS LESS THAN $5M (ENG SPT)	12 482	12,482
	PETROLEUM EQUIPMENT		
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
	MEDICAL EQUIPMENT		
158	COMBAT SUPPORT MEDICAL	53,450	53,450
	MAINTENANCE EQUIPMENT		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160	ITEMS LESS THAN $5 OM (MAINT EQ)	3,852	3,852
	CONSTRUCTION EQUIPMENT		
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
163	SCRAPERS, EARTHMOVING	21,031	21,031
164	MISSION MODULES - ENGINEERING	43,432	43,432
165	COMPACTOR	2,859	2,859
168	TRACTOR, FULL TRACKED	59,534	50,434
169	PLANT, ASPHALT MIXING	8,314	614
170	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION	15,833	---
172	CONST EQUIP ESP	9,771	9,771
173	ITEMS LESS THAN $5 OM (CONST EQUIP)	12,654	12,654
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	---
176	ITEMS LESS THAN $5 OM (FLOAT/RAIL)	10,175	10,175

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	GENERATORS		
177	GENERATORS AND ASSOCIATED EQUIPMENT	31,897	31,897
	MATERIAL HANDLING EQUIPMENT		
179	FAMILY OF FORKLIFTS	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
	TRAINING EQUIPMENT		
181	COMBAT TRAINING CENTERS SUPPORT	133 178	46,117
182	TRAINING DEVICES NONSYSTEM	168,392	180 892
183	CLOSE COMBAT TACTICAL TRAINER	17,760	13 290
184	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	9,413	9,413
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
186	CALIBRATION SETS EQUIPMENT	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
188	TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
	OTHER SUPPORT EQUIPMENT		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
191	BASE LEVEL COM'L EQUIPMENT	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195	AMC CRITICAL ITEMS OPA3	34,500	34,500
196	TRACTOR YARD	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE	24,805	24,805
198	BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	---
200	BCT UNMANNED GROUND VEHICLE INC 2	11,924	---
	TOTAL, OTHER SUPPORT EQUIPMENT	2,265,084	1,496,324
	SPARE AND REPAIR PARTS		
201	INITIAL SPARES - C&E	21,647	21,647
	TOTAL, SPARE AND REPAIR PARTS	21,647	21,647
	CLASSIFIED PROGRAMS	4,273	4,273
	TOTAL, OTHER PROCUREMENT, ARMY	9,682,592	7,924,214

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
2	SEMITRAILERS, FLATBED	13,496	596
	Early to need		-12,900
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	422,936
	Unjustified program management increase		-10,000
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	597,794
	Excessive program management and engineering change orders		-2,500
	Exceeds annual manufacturing capability		-27,000
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	0
	Unobligated prior year funds		-1,461
14	HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
	Funded in fiscal year 2011-19 Prior Approval reprogramming		-157,318
16	MODIFICATION OF IN SVC EQUIP	362,672	344,772
	HMMWV install early to need		-3,900
	Excessive program support		-14,000
17	MINE-RESISTANT AMBUSH-PROTECTED MODS	142,862	127,862
	Excessive program support		-15,000
20	AMC CRITICAL ITEMS, OPA1	20,156	0
	Unjustified request		-20,156
25	WIN-T - GROUND FORCES TACTICAL NETWORK	974,186	865,186
	Increment 2 contract award delay		-109,000
29	SHF TERMINAL	8,910	8,249
	Full funding for engineering change proposals in prior years		-661
31	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	26,368
	Fielding cost growth		-3,200
34	GLOBAL BROADCAST SERVICE - GBS	73,374	64,774
	Unit cost growth		-8,600
39	JOINT TACTICAL RADIO SYSTEM	775,832	427,099
	Schedule delay in Maritime/Fixed Station Radio Program		-37,900
	Ground Mobile Radio restructure		-153,833
	Army requested transfer to RDTE,N line 100		-51,000
	Airborne, Maritime, Fixed Station Milestone C delay		-106,000
41	SINCGARS FAMILY	4,992	500
	Unobligated prior year funds		-4,492

P-1		Budget Request	Conference
49	GUNSHOT DETECTION SYSTEM (GDS)	3,939	1,000
	Early to need		-2,939
56	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	39,349	37,022
	Army requested transfer to line 56a		-2,327
56a	FAMILY OF BIOMETRICS	0	2,327
	Army requested transfer from line 56		2,327
60	INFORMATION SYSTEMS	187,227	131,227
	Unobligated prior year funds		-56,000
70	DEFENSE COMMON GROUND STATION-ARMY (MIP)	144,548	124,548
	Unjustified support growth		-20,000
77	WARLOCK	24,104	0
	Requirement fulfilled with prior year funds		-24,104
82	FAAD GBS	7,958	3,958
	Violates full funding		-4,000
101	MORTAR FIRE CONTROL SYSTEM	21,022	17,022
	Unjustified request		-4,000
109	KNIGHT FAMILY	51,488	46,488
	Program growth adjustment		-5,000
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	27,324
	Unjustified request		-1,600
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026
	Army requested transfer to OM,A BA-04		-9,251
	Army requested transfer to RDTE,A line 177		-60,240
	Army requested transfer to line 119		-1,795
	Army identified excess		-15,000
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
	Army requested transfer for GFEBS from line 116		1,795
121	AUTOMATED DATA PROCESSING EQUIPMENT	220,250	174,772
	Unobligated prior year funds		-35,000
	Army identified excess		-10,478
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	7,480	4,395
	Excess to need - design engineering		-3,085
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
	Acoustic Hailing Device contract delay		-3,423
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
	Program support cost growth		-3,700
137	ROBOTIC COMBAT SUPPORT SYSTEM	30,297	22,297
	M160 incremental funding		-8,000

P-1		Budget Request	Conference
147	GROUND SOLDIER SYSTEM	184,072	63,500
	Milestone C delay		-107,472
	Army requested transfer to RDTE,A line 119		-7,600
	Additional Army requested transfer to RDTE,A line 119		-5,500
148	MOUNTED SOLDIER SYSTEM	43,419	5,000
	Milestone C delay		-38,419
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
	Unit cost and program support growth		-4,600
168	TRACTOR, FULL TRACKED	59,534	50,434
	Unjustified program support growth		-9,100
169	PLANT, ASPHALT MIXING	8,314	614
	Unobligated prior year funds		-7,700
171	ENHANCED RAPID AIRFIELD CONSTRUCTION	15,833	0
	Unexecutable acquisition strategy		-15,833
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	0
	Army requested transfer to SC,N line 17		-187,226
	Excess to need		-36,619
181	COMBAT TRAINING CENTERS SUPPORT	133,178	46,117
	Instrumentation System program delay		-87,061
182	TRAINING DEVICES, NONSYSTEM	168,392	180,892
	Test and tranining range upgrades		12,500
183	CLOSE COMBAT TACTICAL TRAINER	17,760	13,290
	Dismounted Soldier unobligated prior year funds		-4,470
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
	Next Generation Automatic Test System unobligated prior year funds		-12,500
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
	Unobligated prior year funds		-49,710
198	BRIGADE COMBAT TEAM TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
	Army identified program termination		-123,300
199	BRIGADE COMBAT TEAM TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	0
	Army identified program termination		-57,103
200	BRIGADE COMBAT TEAM UNMANNED GROUND VEHICLE INC 2	11,924	0
	Army identified program termination		-11,924

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
1	EA-18G	1,079,364	994,596
2	EA-18G (AP-CY)	28,119	28,119
3	F/A-18E/F (FIGHTER) HORNET (MYP)	2,366,752	2,240,184
4	F/A 18E/F (FIGHTER) HORNET (MYP) (AP-CY)	64,962	63,262
5	JOINT STRIKE FIGHTER	1,503,096	1,448,096
6	JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	217,666	109,066
7	JSF STOVL	1,141,933	1,141,933
8	JSF STOVL (AP-CY)	117,229	117,229
9	V-22 (MEDIUM LIFT)	2,224,817	2,202,117
10	V-22 (MEDIUM LIFT) (AP-CY)	84,008	63,768
11	UH-1Y/AH-1Z	700,306	652,561
12	UH-1Y/AH-1Z (AP-CY)	68,310	56,750
13	MH-60S (MYP)	408,921	400,621
14	MH-60S (MYP) (AP-CY)	74,040	74,040
15	MH-60R	791,025	775,525
16	MH-60R (AP-CY)	209,431	209,431
17	P 8A POSEIDON	2,018,851	2,008,851
18	P-8A POSEIDON (ADVANCE PROCUREMENT)	256,594	244,894
19	E 2D ADV HAWKEYE	914,892	886,892
20	E-2D ADV HAWKEYE (AP-CY)	157,942	157,942
	TOTAL, COMBAT AIRCRAFT	14,428,258	13,875,877
	TRAINER AIRCRAFT		
22	JPATS	266,906	256,906
	TOTAL, TRAINER AIRCRAFT	266,906	256,906

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER AIRCRAFT		
24	KC-130J (AP-CY)	87,288	87,288
26	MQ-8 UAV	191,986	191,986
27	STUASLO UAV	12,772	---
	TOTAL, OTHER AIRCRAFT	292,046	279,274
	MODIFICATION OF AIRCRAFT		
29	EA-6 SERIES	27,734	27,734
30	AEA SYSTEMS	34,065	31,765
31	AV-8 SERIES	30,762	29,162
32	F-18 SERIES	499,597	425,167
33	H-46 SERIES	27,112	24,612
34	AH-1W SERIES	15,828	15,828
35	H-53 SERIES	62,820	60,320
36	SH-60 SERIES	83,394	83,394
37	H-1 SERIES	11,012	8,412
38	EP-3 SERIES	83,181	73,681
39	P-3 SERIES	171,466	170,466
40	E-2 SERIES	29,215	29,215
41	TRAINER A/C SERIES	22,090	18,790
42	C-2A	16,302	16,302
43	C-130 SERIES	27,139	27,139
44	FEWSG	2,773	1,773
45	CARGO/TRANSPORT A/C SERIES	16,463	16,463
46	E-6 SERIES	165,253	148,053
47	EXECUTIVE HELICOPTERS SERIES	58,011	77,511
48	SPECIAL PROJECT AIRCRAFT	12,248	11,048
49	T-45 SERIES	57,779	45,179
50	POWER PLANT CHANGES	21,847	21,847
51	JPATS SERIES	1,524	524
52	AVIATION LIFE SUPPORT MODS	1,069	1,069
53	COMMON ECM EQUIPMENT	92,072	63,772
54	COMMON AVIONICS CHANGES	147,093	136,293
56	ID SYSTEMS	37,330	32,030

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
57	P-8 SERIES	2,930	---
58	MAGTF EW FOR AVIATION	489	489
59	RQ 7 SERIES	11,419	---
60	V-22 (TILT/ROTOR ACFT) OSPRLY	60,264	55,764
	TOTAL, MODIFICATION OF AIRCRAFT	1,830,281	1,653,802
	AIRCRAFT SPARES AND REPAIR PARTS		
61	SPARES AND REPAIR PARTS	1,331,961	1,163,294
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
62	COMMON GROUND EQUIPMENT	351,685	363,685
63	AIRCRAFT INDUSTRIAL FACILITIES	22,358	22,358
64	WAR CONSUMABLES	27,300	27,300
65	OTHER PRODUCTION CHARGES	10,124	10,124
66	SPECIAL SUPPORT EQUIPMENT	24,395	21,395
67	FIRST DESTINATION TRANSPORTATION	1,719	1,719
	TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	437,581	446,581
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	18,587,033	17,675,734

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
1	EA-18G	1,079,364	994,596
	CFE Electronics cost growth		-26,600
	Engine cost growth		-9,168
	Avionics PGSE cost growth		-36,000
	Other ILS cost growth		-6,000
	Reduce Engineering change orders to fiscal year 2010 levels		-7,000
3	F/A-18E/F (FIGHTER) HORNET (MYP)	2,366,752	2,240,184
	Engine cost growth		-15,000
	CFE Electronics cost growth		-15,540
	GFE Electronics cost growth		-4,480
	Armament cost growth		-2,548
	Multi-year procurement savings		-68,000
	ECO excess		-21,000
4	F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	64,962	63,262
	Airframe termination liability growth		-1,700
5	JOINT STRIKE FIGHTER CV	1,503,096	1,448,096
	Engineering change order carryover		-20,000
	Peculiar ground support equipment growth		-30,000
	Logistic support growth		-5,000
6	JOINT STRIKE FIGHTER CV ADVANCE PROCUREMENT	217,666	109,066
	Reduce advance procurement		-108,600
9	V-22 (MEDIUM LIFT)	2,224,817	2,202,117
	Support funding carryover		-15,000
	V-22 voice recorder - Navy identified shortfall		2,800
	Reduce ECO		-10,500
10	V-22 (MEDIUM LIFT) (AP-CY)	84,008	63,768
	Advance procurement equipment cost growth		-20,240
11	UH-1Y/AH-1Z	700,306	652,561
	AH-1Z (remanufacture) airframe cost growth		-9,400
	AH-1Z (new build) GFE Electronics cost growth		-2,345
	Unjustified support increase		-30,000
	Reduce ECO		-6,000
12	UH-1Y/AH-1Z (AP-CY)	68,310	56,750
	Excess advance procurement		-11,560
13	MH-60S (MYP)	408,921	400,621
	Support funding carryover		-8,300
15	MH-60R	791,025	775,525
	Support funding carryover		-11,300
	Reduce ECO		-4,200
17	P-8A POSEIDON	2,018,851	2,008,851
	Support funding increase		-10,000

P-1		Budget Request	Conference
18	**P-8A POSEIDON (ADVANCED PROCUREMENT)**	**256,594**	**244,894**
	Excess advance procurement		-11,700
19	**E-2D (EARLY WARNING) HAWKEYE (MYP)**	**914,892**	**886,892**
	Support funding carryover		-8,000
	Excess funding reserve		-20,000
22	**JPATS**	**266,906**	**256,906**
	Excess ECO		-10,000
27	**STUASL0 UAV**	**12,772**	**0**
	Low rate initial production contract award slip		-12,772
30	**AEA SYSTEMS**	**34,065**	**31,765**
	Air launched decoy jammer		-2,300
31	**AV-8 SERIES**	**30,762**	**29,162**
	Non-recurring installation funding unjustified increase		-1,600
32	**F-18 SERIES**	**499,597**	**425,167**
	OSIP 011-84 installation funds savings		-9,300
	ECP 904 Part I cost growth		-6,930
	OSIP 11-99 installation funding ahead of need		-7,000
	ECP 904 Part 1 procurement ahead of need		-16,500
	OSIP 001-10 ANAV installation kits cost growth		-1,000
	Integrated Logistics Support excess to need		-20,900
	Other support growth		-12,800
33	**H-46 SERIES**	**27,112**	**24,612**
	OSIP 018-07 ECO growth		-2,500
35	**H-53 SERIES**	**62,820**	**60,320**
	Kapton wiring installation kit cost growth		-1,500
	DIRCM other support excess		-1,000
37	**H-1 SERIES**	**11,012**	**8,412**
	Obsolescence ECP installation funding unjustified growth		-2,600
38	**EP-3 SERIES**	**83,181**	**73,681**
	OSIP 11-01 JMOD obsolescence carryover		-5,100
	Obsolescence ECP installation funding growth		-2,700
	Other support growth		-1,700
39	**P-3 SERIES**	**171,466**	**170,466**
	HFIP modification kit procurement ahead of need		-1,000
41	**TRAINER A/C SERIES**	**22,090**	**18,790**
	Training equipment growth		-3,300
44	**FEWSG**	**2,773**	**1,773**
	Other support growth		-1,000

P-1		Budget Request	Conference
46	**E-6 SERIES**	**165,253**	**148,053**
	OSIP 008-10 support funding growth		-2,000
	OSIP 013-10 support funding growth		-1,000
	Service life extension program install early to need		-7,800
	Block I install cost savings		-1,200
	Block II FAB-T non-recurring engineering early to need		-5,200
47	**EXECUTIVE HELICOPTERS SERIES**	**58,011**	**77,511**
	OSIP 009-02 excess installation funding		-4,500
	Navy requested transfer from RDTE,N line 98 for VH-3/VH-60 sustainment		24,000
48	**SPECIAL PROJECT AIRCRAFT**	**12,248**	**11,048**
	Install equipment non-recurring unjustified growth		-1,200
49	**T-45 SERIES**	**57,779**	**45,179**
	Correction of Deficiencies contract support growth		-6,600
	Avionics Obsolescence contract support growth		-6,000
51	**JPATS SERIES**	**1,524**	**524**
	Unobligated balances		-1,000
53	**COMMON ECM EQUIPMENT**	**92,072**	**63,772**
	IDECM Block IV concurrency		-25,500
	DIRCM A kit savings		-2,800
54	**COMMON AVIONICS CHANGES**	**147,093**	**136,293**
	OSIP 01-02 other support growth		-2,000
	CNS/ATM other support growth		-8,800
56	**ID SYSTEMS**	**37,330**	**32,030**
	OSIP 015-03 support growth		-5,300
57	**P-8 SERIES**	**2,930**	**0**
	P-8 modifications ahead of need		-2,930
59	**RQ-7 SERIES**	**11,419**	**0**
	TCDL contract delay		-11,419
60	**V-22 (TILT/ROTOR ACFT) OSPREY**	**60,264**	**55,764**
	Deficiencies modifications other support growth		-2,500
	Reliability modifications other support growth		-2,000
61	**SPARES AND REPAIR PARTS**	**1,331,961**	**1,163,294**
	F/A-18E/F initial spares cost growth		-23,967
	F-35 initial spares execution		-100,000
	P-8A initial spares execution		-36,000
	E-2D initial spares cost growth		-8,700
62	**COMMON GROUND EQUIPMENT**	**351,685**	**363,685**
	Navy requested transfer from RDTE,N line 98 for VH-60 trainer		12,000
66	**SPECIAL SUPPORT EQUIPMENT**	**24,395**	**21,395**
	Unjustified support increase		-3,000

MQ–8 UNMANNED AERIAL VEHICLE

The conference agreement provides $191,986,000 for the procurement of 12 MQ–8 unmanned aerial vehicles and associated support equipment. Although the budget justification materials provided by the Navy were unclear about the MQ–8 model to be procured, the conferees understand that the Navy will actually procure the longer range MQ–8C variant. The conferees fully support this decision as the longer range will provide greater operational flexibility for the various missions the aircraft is expected to conduct.

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	WEAPONS PROCUREMENT, NAVY		
	BALLISTIC MISSILES		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,309,102	1,306,102
	SUPPORT EQUIPMENT AND FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	3,492	3,492
	TOTAL, BALLISTIC MISSILES	1,312,594	1,309,594
	OTHER MISSILES		
	STRATEGIC MISSILES		
3	TOMAHAWK	303,306	297,606
	TACTICAL MISSILES		
4	AMRAAM	188,494	105,119
5	SIDEWINDER	47,098	42,198
6	JSOW	137,722	131,722
7	STANDARD MISSILE	420,324	356,878
8	RAM	66,197	66,197
9	HELLFIRE	22,703	22,703
11	AERIAL TARGETS	46,359	46,359
12	OTHER MISSILE SUPPORT	3,561	3,561
	MODIFICATION OF MISSILES		
13	ESSM	48,486	48,486
14	HARM MODS	73,061	71,561
	SUPPORT EQUIPMENT AND FACILITIES		
16	WEAPONS INDUSTRIAL FACILITIES	1,979	1,979
17	FLEET SATELLITE COMM FOLLOW-ON	238,215	238,215
	ORDNANCE SUPPORT EQUIPMENT		
19	ORDNANCE SUPPORT EQUIPMENT	52,255	52,255
	TOTAL, OTHER MISSILES	1,649,760	1,484,839

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	TORPEDOES AND RELATED EQUIPMENT		
	TORPEDOES AND RELATED EQUIP		
20	ASW TARGETS	31,803	31,803
	MOD OF TORPEDOES AND RELATED EQUIP		
21	MK-46 TORPEDO MODS	78,045	76,805
22	MK-48 TORPEDO ADCAP MODS	42,493	42,493
23	QUICKSTRIKE MINE	5,770	5,770
	SUPPORT EQUIPMENT		
24	TORPEDO SUPPORT EQUIPMENT	43,003	43,003
25	ASW RANGE SUPPORT	9 219	9,219
	DESTINATION TRANSPORTATION		
26	FIRST DESTINATION TRANSPORTATION	3,553	3,553
	TOTAL, TORPEDOES AND RELATED EQUIPMENT	213,886	212,446
	OTHER WEAPONS		
	GUNS AND GUN MOUNTS		
27	SMALL ARMS AND WEAPONS	15,037	15,037
	MODIFICATION OF GUNS AND GUN MOUNTS		
28	CIWS MODS	37,550	37,550
29	COAST GUARD WEAPONS	17,525	9,179
30	GUN MOUNT MODS	43,957	43,957
32	CRUISER MODERNIZATION WEAPONS	50,013	50,013
33	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
	TOTAL, OTHER WEAPONS	176,285	167,939
35	SPARES AND REPAIR PARTS.	55,953	49,614
	TOTAL, WEAPONS PROCUREMENT, NAVY	3,408,478	3,224,432

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
1	**TRIDENT II MODS**	**1,309,102**	**1,306,102**
	Support funding carryover		-10,000
	Cost growth		-3,000
	Program increase - Solid rocket motor industrial base sustainment		10,000
3	**TOMAHAWK**	**303,306**	**297,606**
	Submarine capsules cost growth		-5,700
4	**AMRAAM**	**188,494**	**105,119**
	All Up Round Missile contract delay		-83,375
5	**SIDEWINDER**	**47,098**	**42,198**
	Excess Block II support		-4,900
6	**JSOW**	**137,722**	**131,722**
	All Up Round Missile cost growth		-6,000
7	**STANDARD MISSILE**	**420,324**	**356,878**
	Support funding growth		-3,500
	Installation and check out funding growth		-1,900
	Unit Cost Efficiencies		-58,046
14	**HARM MODS**	**73,061**	**71,561**
	Production support growth		-1,500
21	**MK-54 TORPEDO MODS**	**78,045**	**76,605**
	MK-54 array cost growth		-1,440
29	**COAST GUARD WEAPONS**	**17,525**	**9,179**
	MK-110 57MM contract delay		-8,346
35	**SPARES AND REPAIR PARTS**	**55,953**	**49,614**
	CIWS replenishment spares execution		-6,339

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT OF AMMO NAVY & MARINE CORPS		
	PROC AMMO NAVY		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	64,766	63,666
3	AIRBORNE ROCKETS ALL TYPES	38,264	23,264
4	MACHINE GUN AMMUNITION	17 788	17,788
5	PRACTICE BOMBS	35,289	35,289
6	CARTRIDGES & CART ACTUATED DEVICES	49,416	46,716
7	AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
8	JATOS	2,766	2,766
9	5 INCH/54 GUN AMMUNITION	19,006	10,901
10	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
11	OTHER SHIP GUN AMMUNITION	21,938	19,018
12	SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
13	PYROTECHNIC AND DEMOLITION	10,199	10,199
14	AMMUNITION LESS THAN $5 MILLION	4,107	4,107
	TOTAL, PROC AMMO, NAVY	395,355	341,542

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROC AMMO, MARINE CORPS		
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	58,812	58,812
16	LINEAR CHARGES ALL TYPES	21,434	17 660
17	40 MM, ALL TYPES	84,864	80,664
18	60MM, ALL TYPES	937	937
19	81MM, ALL TYPES	26,324	18,100
20	120MM, ALL TYPES	9,387	9,387
21	CTG 25MM ALL TYPES	3,889	3,889
22	GRENADES, ALL TYPES	13,452	13,452
23	ROCKETS, ALL TYPES	15,556	12,463
24	ARTILLERY, ALL TYPES	42,526	22,526
25	DEMOLITION MUNITIONS, ALL TYPES	22,786	22,786
26	FUZE, ALL TYPES	9,266	9,266
27	NON LETHALS	2,927	2,927
28	AMMO MODERNIZATION	8,557	8,557
29	ITEMS LESS THAN $5 MILLION	3,880	3,880
	TOTAL, PROC AMMO, MARINE CORPS	324,597	285,306
	TOTAL PROCUREMENT OF AMMO, NAVY & MARINE CORPS	719,952	626,848

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
1	GENERAL PURPOSE BOMBS	64,766	63,666
	BLU-109 cost growth		-1,100
3	AIRBORNE ROCKETS, ALL TYPES	38,264	23,264
	MK-66 rocket motor cost growth		-10,500
	Support funding carryover		-1,000
	MK-182 warhead exceeds production rate		-3,500
6	CARTRIDGES & CART ACTUATED DEVICES	49,416	46,716
	Initiator and Impulse cartridge unit cost growth		-2,700
9	5 INCH/54 GUN AMMUNITION	19,006	10,901
	Excess prior year multi-option fuze support funding		-7,105
	Support funding carryover		-1,000
10	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
	MK295 cartridge contract delay		-18,208
11	OTHER SHIP GUN AMMUNITION	21,938	19,018
	30MM x 173 linked cartridge contract delay		-2,920
12	SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
	Production engineering growth		-1,200
	A131 complete rounds cost growth		-2,500
	A576 LAP kit cost growth		-2,080
16	LINEAR CHARGES, ALL TYPES	21,434	17,660
	M913 LAP kit contract delay		-3,774
17	40 MM, ALL TYPES	84,864	80,664
	B542 LAP kit cost growth		-4,200
19	81MM, ALL TYPES	26,324	18,100
	M913 LAP kit contract delay		-8,224
23	ROCKETS, ALL TYPES	15,556	12,463
	C995 late contract award		-3,093
24	ARTILLERY, ALL TYPES	42,526	22,526
	TNT flake cost growth		-20,000

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
2	CARRIER REPLACEMENT PROGRAM (AP-CY)	554,798	554,798
3	VIRGINIA CLASS SUBMARINE	3,232,215	3,221,314
4	VIRGINIA CLASS SUBMARINE (AP-CY)	1,524 761	1 461,361
6	CVN REFUELING OVERHAULS (AP-CY)	529,652	529,652
8	DDG 1000	453,727	453,727
9	DDG-51	1,980,709	1,980,709
10	DDG-51 (AP-CY)	100,723	100,723
11	LITTORAL COMBAT SHIP	1,802,093	1,755,093
	TOTAL, OTHER WARSHIPS	10,178,678	10,057,377
	AMPHIBIOUS SHIPS		
13	LPD-17	1,847,444	1,837,444
15	LHA REPLACEMENT (AP-CY)	2,018,691	1,999,191
17	INTRATHEATER CONNECTOR	185,106	372,332
	TOTAL, AMPHIBIOUS SHIPS	4,051,241	4,208,967
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COSTS		
18	OCEANOGRAPHIC SHIPS	89,000	89,000
19	MOORED TRAINING SHIP	155,200	131,200
20	OUTFITTING	292,871	270,639
21	SERVICE CRAFT	3,863	3,863
22	LCAC SLEP	84,076	84,076
23	COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
	TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	699,002	652,770
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	14,928,921	14,919,114

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
3	**VIRGINIA CLASS SUBMARINE**	**3,232,215**	**3,221,314**
	Sonar hardware pricing cost growth		-4,363
	Exterior Communications System other cost unjustfied growth		-1,000
	Propulsor cost growth		-5,538
4	**VIRGINIA CLASS SUBMARINE (AP-CY)**	**1,524,761**	**1,461,361**
	Nuclear long lead CFE advance procurement cost growth		-63,400
11	**LITTORAL COMBAT SHIP**	**1,802,093**	**1,755,093**
	Basic construction cost growth		-47,000
13	**LPD-17**	**1,847,444**	**1,837,444**
	Excess ECO funding		-10,000
15	**LHA REPLACEMENT**	**2,018,691**	**1,999,191**
	SLQ-32(V)2 pricing		-5,000
	SSDS support pricing		-5,000
	MK-12 IFF pricing		-1,000
	SPS-48 radar pricing		-2,000
	SPQ-9B radar pricing		-1,000
	RAM logistics pricing		-5,500
17	**JOINT HIGH SPEED VESSEL**	**185,106**	**372,332**
	Transfer from OP,A line 174 per Army and Navy Memorandum of Agreement		187,226
19	**MOORED TRAINING SHIP (AP)**	**155,200**	**131,200**
	Excess advance procurement		-24,000
20	**OUTFITTING**	**292,871**	**270,639**
	LCS-5 outfitting phasing		-2,000
	LCS-6 outfitting phasing		-2,000
	LCS-7 outfitting phasing		-782
	DDG-1001 and 1002 outfitting phasing		-1,750
	SSN-785 outfitting phasing		-6,000
	CVN-71 outfitting phasing		-5,000
	SSN-782 post delivery phasing		-4,700

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER PROCUREMENT, NAVY		
	SHIPS SUPPORT EQUIPMENT		
	SHIP PROPULSION EQUIPMENT		
1	LM-2500 GAS TURBINE	13,794	13,794
2	ALLISON 501K GAS TURBINE	8,643	8,643
	NAVIGATION EQUIPMENT		
3	OTHER NAVIGATION EQUIPMENT	22,982	20,582
	PERISCOPES		
4	SUB PERISCOPES & IMAGING EQUIP	60,860	57,033
	OTHER SHIPBOARD EQUIPMENT		
5	DDG MOD	119,522	117,522
6	FIREFIGHTING EQUIPMENT	17,637	17,637
7	COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
8	POLLUTION CONTROL EQUIPMENT	22,266	22,266
9	SUBMARINE SUPPORT EQUIPMENT	15,892	14,122
10	VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	93,487
11	SUBMARINE BATTERIES	42,296	42,296
12	STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
13	DSSP EQUIPMENT	2,600	2,600
14	CG-MODERNIZATION	590,349	573,349
16	UNDERWATER EOD PROGRAMS	18,499	17,499
17	ITEMS LESS THAN $5 MILLION	113,809	93,401
18	CHEMICAL WARFARE DETECTORS	5,508	5,508
19	SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
	REACTOR PLANT EQUIPMENT		
20	REACTOR POWER UNITS	436,838	436,838
21	REACTOR COMPONENTS	271,600	271,600
	OCEAN ENGINEERING		
22	DIVING AND SALVAGE EQUIPMENT	11,244	9,644
	SMALL BOATS		
23	STANDARD BOATS	39,793	33,653
	TRAINING EQUIPMENT		
24	OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
	PRODUCTION FACILITIES EQUIPMENT		
25	OPERATING FORCES IPE	54,642	54,642
	OTHER SHIP SUPPORT		
26	NUCLEAR ALTERATIONS	144,175	144,175
27	LCS MODULES	79,583	63,448

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	LOGISTICS SUPPORT		
28	LSD MIDLIFE	143,483	132,733
	TOTAL SHIPS SUPPORT EQUIPMENT	2,408,295	2,318,059
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	SHIP RADARS		
29	RADAR SUPPORT	18,818	10,618
	SHIP SONARS		
30	SPQ-9B RADAR	24,613	18,236
31	AN/SQQ-89 SURF ASW COMBAT SYSTEM	73,829	71,771
32	SSN ACOUSTICS	212,913	212,913
33	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	25,686
34	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
35	ELECTRONIC WARFARE MILDEC	18,141	16,841
	ASW ELECTRONIC EQUIPMENT		
36	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
37	SSTD	2,257	1,257
38	FIXED SURVEILLANCE SYSTEM	60,141	60,141
39	SURTASS	29,247	25,547
40	TACTICAL SUPPORT CENTER	13,453	13,453
	ELECTRONIC WARFARE EQUIPMENT		
41	AN/SLQ-32	43,096	39,902
	RECONNAISSANCE EQUIPMENT		
42	SHIPBOARD IW EXPLOIT	103,645	100,745
43	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
	SUBMARINE SURVEILLANCE EQUIPMENT		
44	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	89,241
	OTHER SHIP ELECTRONIC EQUIPMENT		
45	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	19,332
46	TRUSTED INFORMATION SYSTEM (TIS)	426	426
47	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
48	ATDLS	942	942
49	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
50	MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
51	SHALLOW WATER MCM	1,048	1,048
52	NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
53	ARMED FORCES RADIO AND TV	4,370	4,370

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
54	STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
	TRAINING EQUIPMENT		
55	OTHER TRAINING EQUIPMENT	45,989	35,189
	AVIATION ELECTRONIC EQUIPMENT		
56	MATCALS	8,136	13,368
57	SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
58	AUTOMATIC CARRIER LANDING SYSTEM	18,518	17,018
59	NATIONAL AIR SPACE SYSTEM	26,054	24,581
60	AIR STATION SUPPORT EQUIPMENT	7,213	7,213
61	MICROWAVE LANDING SYSTEM	7,138	7,138
62	ID SYSTEMS	33,170	31,470
63	TAC A/C MISSION PLANNING SYS(TAMPS)	8,941	8,941
	OTHER SHORE ELECTRONIC EQUIPMENT		
64	DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
65	TADIX B	13,529	13,529
66	GCCS-M EQUIPMENT TACTICAL/MOBILE	12,776	10,876
67	DCGS-N	11,201	11,201
68	CANES	195,141	96,088
69	RADIAC	6,201	6,201
70	CANES-INTELL	75,084	72,313
71	GPETE	6,010	6,010
72	INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
73	EMI CONTROL INSTRUMENTATION	4,741	4,741
74	ITEMS LESS THAN $5 MILLION	51,716	42,416
	SHIPBOARD COMMUNICATIONS		
75	SHIPBOARD TACTICAL COMMUNICATIONS	26,197	1,494
76	SHIP COMMUNICATIONS AUTOMATION	177,510	255,110
77	MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
78	COMMUNICATIONS ITEMS UNDER $5M	33,644	27,544
	SUBMARINE COMMUNICATIONS		
79	SUBMARINE BROADCAST SUPPORT	10,357	10,357
80	SUBMARINE COMMUNICATION EQUIPMENT	75,447	74,047
	SATELLITE COMMUNICATIONS		
81	SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
82	NAVY MULTIBAND TERMINAL (NMT)	109,022	107,242

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SHORE COMMUNICATIONS		
83	JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
84	ELECTRICAL POWER SYSTEMS	1,329	1,329
85	NAVAL SHORE COMMUNICATIONS	2,418	2,418
	CRYPTOGRAPHIC EQUIPMENT		
86	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	109,394
	CRYPTOLOGIC EQUIPMENT		
87	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
	OTHER ELECTRONIC SUPPORT		
88	COAST GUARD EQUIPMENT	6,848	6,848
89	OTHER DRUG INTERDICTION SUPPORT	2,290	---
	DRUG INTERDICTION SUPPORT		
	TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,062,911	1,922,229
	AVIATION SUPPORT EQUIPMENT		
	SONOBUOYS		
90	SONOBUOYS - ALL TYPES	96,314	94,814
	AIRCRAFT SUPPORT EQUIPMENT		
91	WEAPONS RANGE SUPPORT EQUIPMENT	40,697	50,197
92	EXPEDITIONARY AIRFIELDS	8,561	8,561
93	AIRCRAFT REARMING EQUIPMENT	8,941	5,587
94	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
95	METEOROLOGICAL EQUIPMENT	22,003	19,478
96	OTHER PHOTOGRAPHIC EQUIPMENT.	1,595	1,595
97	AVIATION LIFE SUPPORT	66,031	60,919
98	AIRBORNE MINE COUNTERMEASURES	49,668	33,515
99	LAMPS MK III SHIPBOARD EQUIPMENT	18,471	12,908
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
	TOTAL, AVIATION SUPPORT EQUIPMENT	352,486	327,779
	ORDNANCE SUPPORT EQUIPMENT		
	SHIP GUN SYSTEM EQUIPMENT		
102	NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT	4,488	4,488
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	NATO SEASPARROW	8,926	8,926
105	RAM GMLS	4,321	3,128

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
106 SHIP SELF DEFENSE SYSTEM	60,700	54,324
107 AEGIS SUPPORT EQUIPMENT	43,148	43,148
108 TOMAHAWK SUPPORT EQUIPMENT	72,861	70,261
109 VERTICAL LAUNCH SYSTEMS	732	732
110 MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
FBM SUPPORT EQUIPMENT		
111 STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
ASW SUPPORT EQUIPMENT		
112 SSN COMBAT CONTROL SYSTEMS	81,596	89,096
113 SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114 SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115 ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
OTHER ORDNANCE SUPPORT EQUIPMENT		
116 EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	96,947
117 ITEMS LESS THAN $5 MILLION	4,073	4,073
OTHER EXPENDABLE ORDNANCE		
118 ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119 SURFACE TRAINING DEVICE MODS	5,814	5,814
120 SUBMARINE TRAINING DEVICE MODS	36,777	36,777
TOTAL, ORDNANCE SUPPORT EQUIPMENT	668,577	664,008
CIVIL ENGINEERING SUPPORT EQUIPMENT		
121 PASSENGER CARRYING VEHICLES	6,271	4,771
122 GENERAL PURPOSE TRUCKS	3,202	3 202
123 CONSTRUCTION & MAINTENANCE EQUIP	9,850	9,850
124 FIRE FIGHTING EQUIPMENT	14,315	14,315
125 TACTICAL VEHICLES	16,502	16,502
126 AMPHIBIOUS EQUIPMENT	3,235	3,235
127 POLLUTION CONTROL EQUIPMENT	7,175	7,175
128 ITEMS UNDER $5 MILLION	20 727	10,727
129 PHYSICAL SECURITY VEHICLES	1,142	1,142
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	82,419	70,919

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SUPPLY SUPPORT EQUIPMENT		
	SUPPLY SUPPORT EQUIPMENT		
130	MATERIALS HANDLING EQUIPMENT	14,972	9,972
131	OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453
132	FIRST DESTINATION TRANSPORTATION	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS	51,894	51 894
	TOTAL, SUPPLY SUPPORT EQUIPMENT	77,735	72,735
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	TRAINING DEVICES		
134	TRAINING SUPPORT EQUIPMENT	16,353	16,353
	COMMAND SUPPORT EQUIPMENT		
135	COMMAND SUPPORT EQUIPMENT	28,693	26,321
136	EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT	7,175	14,175
138	NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141	C4ISR EQUIPMENT	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
	TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	410,242	414,870
149	SPARES AND REPAIR PARTS	208,384	208,384
	CLASSIFIED PROGRAMS	14,402	14,402
	TOTAL OTHER PROCUREMENT, NAVY	6,285,451	6,013,385

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
3	**OTHER NAVIGATION EQUIPMENT**	**22,982**	**20,582**
	ECDIS-N installation funding carryover		-1,000
	Support funding carryover		-1,400
4	**SUB PERISCOPES & IMAGING EQUIP**	**60,860**	**57,033**
	ISIS capability insertion procurement ahead of need		-3,827
5	**DDG MOD**	**119,522**	**117,522**
	Engineering services carryover		-2,000
9	**SUBMARINE SUPPORT EQUIPMENT**	**15,892**	**14,122**
	SSTG governor procurement ahead of need		-1,770
10	**VIRGINIA CLASS SUPPORT EQUIPMENT**	**100,693**	**93,487**
	ISEA labs growth		-2,100
	SCS modernization backfit funding ahead of need		-2,106
	Technology insertion/technology refresh growth		-3,000
14	**CG-MODERNIZATION**	**590,349**	**573,349**
	Shore site upgrade growth		-11,000
	Engineering services carryover		-6,000
16	**UNDERWATER EOD PROGRAMS**	**18,499**	**17,499**
	Support funding carryover		-1,000
17	**ITEMS LESS THAN $5 MILLION**	**113,809**	**93,401**
	Machalts growth		-2,700
	Voltage regulator procurement ahead of need		-3,480
	LCS impellers/impeller assembly procurement ahead of need		-10,859
	AS-39 modernization traveling crane funding previously appropriated		-3,369
22	**DIVING AND SALVAGE EQUIPMENT**	**11,244**	**9,644**
	Outfitting equipment package cost growth		-1,600
23	**STANDARD BOATS**	**39,793**	**33,653**
	Medium sized force protection boats cost growth		-2,000
	7M RIB contract delay		-4,140
27	**LCS MODULES**	**79,583**	**63,448**
	Engineering change proposal growth		-4,715
	AN/AQS-20A contract delay		-8,920
	Production support excess to need		-2,500
28	**LSD MIDLIFE**	**143,483**	**132,733**
	Air conditioner plant upgrades installation ahead of need		-2,000
	RO desalinator units installation funding ahead of need		-6,750
	Steering control upgrade installation funding ahead of need		-2,000
29	**RADAR SUPPORT**	**18,818**	**10,618**
	Excess ECO funding		-1,800
	Radar procurement ahead of need		-6,400
30	**SPQ-9B RADAR**	**24,613**	**18,236**
	Radar procurement ahead of need		-6,377

P-1		Budget Request	Conference
31	AN/SQQ-89 SURF ASW COMBAT SYSTEM	73,829	71,771
	Sonar upgrade cost growth		-2,058
33	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	25,686
	Mission integration installation funding ahead of need		-4,000
35	ELECTRONIC WARFARE MILDEC	18,141	16,841
	ICADS cost growth		-1,300
37	SSTD	2,257	1,257
	Excess support funding		-1,000
39	SURTASS	29,247	25,547
	ICP installation funding ahead of need		-1,500
	ICP procurement ahead of need		-2,200
41	AN/SLQ-32	43,096	39,902
	Block 1B3 Units - no longer required		-3,194
42	SHIPBOARD IW EXPLOIT	103,645	100,745
	Paragon Systems - change to procurement strategy		-2,900
44	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	89,241
	Support funding carryover		-2,000
	ICADF antenna installation delay		-7,286
	Tech and capability insertion procurement ahead of need		-2,266
45	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	19,332
	Signal data processor backfit kit procurement ahead of need		-2,000
	PAAA Backfit installation funding - no longer required		-2,000
55	OTHER TRAINING EQUIPMENT	45,989	35,189
	COTS obsolescence excessive growth		-10,800
56	MATCALS	8,136	13,368
	Support funding carryover		-2,000
	Radar upgrade transfer from title IX		7,232
58	AUTOMATIC CARRIER LANDING SYSTEM	18,518	17,018
	ECO growth		-1,500
59	NATIONAL AIR SPACE SYSTEM	26,054	24,581
	Digital Airport Surveillance Radar cost growth		-1,473
62	ID SYSTEMS	33,170	31,470
	IFF upgrade kit procurement ahead of need		-1,700
66	GCCS-M EQUIPMENT TACTICAL/MOBILE	12,776	10,876
	Tactical/Mobile C4I Systems Increment 2.1 ahead of need		-1,900
68	CANES	195,141	96,088
	Installation ahead of need		-7,153
	Support funding carryover		-2,300
	Navy requested transfer to RDTE,N line 201		-12,000
	Navy requested transfer to line 76		-77,600
70	CANES-INTELL	75,084	72,313
	Installation ahead of need		-2,771

P-1		Budget Request	Conference
74	**ITEMS LESS THAN $5 MILLION**	**51,716**	**42,416**
	SPS-48 radar cost growth		-2,500
	SPS-48 radar upgrade procurement ahead of need		-6,800
75	**SHIPBOARD TACTICAL COMMUNICATIONS**	**26,197**	**1,494**
	Fixed station JTRS suite procurement ahead of need		-24,703
76	**SHIP COMMUNICATIONS AUTOMATION**	**177,510**	**255,110**
	Navy requested transfer from line 68		77,600
78	**COMMUNICATIONS ITEMS UNDER $5M**	**33,644**	**27,544**
	HMS radios contract delay		-3,300
	BFTN installation ahead of need		-2,800
80	**SUBMARINE COMMUNICATION EQUIPMENT**	**75,447**	**74,047**
	Support funding carryover		-1,400
82	**NAVY MULTIBAND TERMINAL (NMT)**	**109,022**	**107,242**
	Submarine terminal cost growth		-1,780
86	**INFO SYSTEMS SECURITY PROGRAM (ISSP)**	**119,857**	**109,394**
	Excess installation funding		-3,789
	125 KMI kit procurement ahead of need		-2,074
	VACM program delay		-4,600
89	**OTHER DRUG INTERDICTION SUPPORT**	**2,290**	**0**
	Transfer to Drug Interdiction and Counter-drug Activities, Defense		-2,290
90	**SONOBUOYS - ALL TYPES**	**96,314**	**94,814**
	AN/SSQ-110 cost growth		-1,500
91	**WEAPONS RANGE SUPPORT EQUIPMENT**	**40,697**	**50,197**
	Threat presentation program growth		-3,000
	Test and Training range upgrades		12,500
93	**AIRCRAFT REARMING EQUIPMENT**	**8,941**	**5,587**
	Munitions trailer contract delay		-2,354
	Ordnance trailer contract delay		-1,000
95	**METEOROLOGICAL EQUIPMENT**	**22,003**	**19,478**
	Meteorological Mobile Facility (Replacement) Next Generation contract delay		-2,525
97	**AVIATION LIFE SUPPORT**	**66,031**	**60,919**
	Flight deck cranial cost growth		-5,112
98	**AIRBORNE MINE COUNTERMEASURES**	**49,668**	**33,515**
	AQS-20A contract delay		-6,903
	Production line set up excess funding		-9,250
99	**LAMPS MK III SHIPBOARD EQUIPMENT**	**18,471**	**12,908**
	Modification kit procurement ahead of need		-5,563
105	**RAM GMLS**	**4,321**	**3,128**
	Installation funding ahead of need		-1,193

P-1	Budget Request	Conference
106 SHIP SELF DEFENSE SYSTEM	**60,700**	**54,324**
SSDS modification kit procurement ahead of need		-6,376
108 TOMAHAWK SUPPORT EQUIPMENT	**72,861**	**70,261**
Support funding carryover		-2,600
112 SSN COMBAT CONTROL SYSTEMS	**81,596**	**89,096**
Naval Intelligence Fusion Tool transfer from title IX		7,500
116 EXPLOSIVE ORDNANCE DISPOSAL EQUIP	**98,847**	**96,947**
Product improvement funding growth		-1,900
121 PASSENGER CARRYING VEHICLES	**6,271**	**4,771**
Non-SOCOM related contract delays		-1,500
128 ITEMS UNDER $5 MILLION	**20,727**	**10,727**
Contract delays		-10,000
130 MATERIALS HANDLING EQUIPMENT	**14,972**	**9,972**
Contract delays		-5,000
135 COMMAND SUPPORT EQUIPMENT	**28,693**	**26,321**
US Fleet Forces equipment growth		-1,372
SPAWAR excess to need		-1,000
137 MEDICAL SUPPORT EQUIPMENT	**7,175**	**14,175**
Medical and dental outfitting kit cost growth		-3,000
Improved T-AH tender boats		10,000

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT, MARINE CORPS		
	WEAPONS AND COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	9,894	9,894
2	LAV PIP	147,051	147,051
	ARTILLERY AND OTHER WEAPONS		
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	11,961	11,961
4	155MM LIGHTWEIGHT TOWED HOWITZER	5,552	5,552
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	14,695	14,695
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	14,868	14,868
	OTHER SUPPORT		
7	MODIFICATION KITS	53,932	53,932
8	WEAPONS ENHANCEMENT PROGRAM	13,795	13,795
	TOTAL, WEAPONS AND COMBAT VEHICLES	271,748	271,748
	GUIDED MISSILES AND EQUIPMENT		
	GUIDED MISSILES		
9	GROUND BASED AIR DEFENSE	12,287	12,287
11	FOLLOW ON TO SMAW	46,563	46,563
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	19,606	19,606
	OTHER SUPPORT		
13	MODIFICATION KITS	4,140	4,140
	TOTAL, GUIDED MISSILES AND EQUIPMENT	82,596	82,596

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMMAND AND CONTROL SYSTEMS		
14	COMBAT OPERATIONS CENTER	16,755	16,755
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	24,071	24,071
	OTHER SUPPORT (TEL)		
16	COMBAT SUPPORT SYSTEM	25,461	25,461
	COMMAND AND CONTROL		
18	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,926	5,926
19	AIR OPERATIONS C2 SYSTEMS	44,152	44,152
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	40,352	40,352
	INTELL/COMM EQUIPMENT (NON-TEL)		
21	FIRE SUPPORT SYSTEM	8,793	4,470
22	INTELLIGENCE SUPPORT EQUIPMENT	64,276	64,276
24	RQ-11 UAV	2,104	2,104
25	DCGS-MC	10,789	10,789
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
28	NIGHT VISION EQUIPMENT	6,847	6,847
	OTHER SUPPORT (NON-TEL)		
29	COMMON COMPUTER RESOURCES	218,869	218,869
30	COMMAND POST SYSTEMS	84,856	84,856
31	RADIO SYSTEMS	89,479	124,770
32	COMM SWITCHING & CONTROL SYSTEMS	16,598	16,598
33	COMM & ELEC INFRASTRUCTURE SUPPORT	47,505	47,505
33	CLASSIFIED PROGRAMS	1,606	1,606
	TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	708,439	739,407
	SUPPORT VEHICLES		
	ADMINISTRATIVE VEHICLES		
34	COMMERCIAL PASSENGER VEHICLES	894	894
35	COMMERCIAL CARGO VEHICLES	14,231	14,231
	TACTICAL VEHICLES		
37	MOTOR TRANSPORT MODIFICATIONS	8,389	8,389
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	5,833	5,833
39	LOGISTICS VEHICLE SYSTEM REP	972	972
40	FAMILY OF TACTICAL TRAILERS	21,848	21,848

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER SUPPORT		
42	ITEMS LESS THAN $5 MILLION	4,503	4,503
	TOTAL, SUPPORT VEHICLES	56,670	56,670
	ENGINEER AND OTHER EQUIPMENT		
	ENGINEER AND OTHER EQUIPMENT		
43	ENVIRONMENTAL CONTROL EQUIP ASSORT	2,599	2,599
44	BULK LIQUID EQUIPMENT	16,255	16,255
45	TACTICAL FUEL SYSTEMS	26,853	26,853
46	POWER EQUIPMENT ASSORTED	27,247	27,247
47	AMPHIBIOUS SUPPORT EQUIPMENT	5,533	5,533
48	EOD SYSTEMS	61,753	61,753
	MATERIALS HANDLING EQUIPMENT		
49	PHYSICAL SECURITY EQUIPMENT	16,627	16,627
50	GARRISON MOBILE ENGR EQUIP	10,827	10,827
51	MATERIAL HANDLING EQUIP	37,055	37,055
52	FIRST DESTINATION TRANSPORTATION	1,462	1,462
	GENERAL PROPERTY		
53	FIELD MEDICAL EQUIPMENT	24,079	24,079
54	TRAINING DEVICES	10,277	10,277
55	CONTAINER FAMILY	3,123	3,123
56	FAMILY OF CONSTRUCTION EQUIPMENT	18,137	18,137
59	RAPID DEPLOYABLE KITCHEN	5,026	5,026
	OTHER SUPPORT		
60	ITEMS LESS THAN $5 MILLION	5,206	5,206
	TOTAL, ENGINEER AND OTHER EQUIPMENT	272,059	272,059
61	SPARES AND REPAIR PARTS	90	90
	TOTAL, PROCUREMENT, MARINE CORPS	1,391,602	1,422,570

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
21	**FIRE SUPPORT SYSTEM**	**8,793**	**4,470**
	CLRF excess to need		-4,323
31	**RADIO SYSTEMS**	**89,479**	**124,770**
	Enterprise - Land Mobile Radios infrastructure		45,000
	JTRS Milestone C Delay		-10,709
	CBNIRF Equipment - Urgent unfunded requirement		1,000

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	AIRCRAFT PROCUREMENT, AIR FORCE		
	COMBAT AIRCRAFT		
	TACTICAL FORCES		
1	F-35	3,340,615	3,289,615
2	F-35 (AP-CY)	323,477	228,977
3	F-22A	104,118	104,118
	TOTAL, COMBAT AIRCRAFT	3,768,210	3,622,710
	AIRLIFT AIRCRAFT		
	TACTICAL AIRLIFT		
4	C-17A (MYP)	---	225,000
	OTHER AIRLIFT		
5	C-130J	72,879	136,379
6	C-130J ADVANCE PROCUREMENT (CY)	---	120,000
7	HC-130J	332,899	332,899
9	MC-130J	582,466	582,466
13	JOINT CARGO AIRCRAFT	479,896	479,896
	TOTAL, AIRLIFT AIRCRAFT	1,468,140	1,876,640
	OTHER AIRCRAFT		
	TRAINER AIRCRAFT		
15	USAFA POWERED FLIGHT PROGRAM	1,060	1,060
	OTHER AIRCRAFT		
	HELICOPTERS		
17	COMM VERT LIFT SPT PLATFORM (UH-1N)	52,800	52,800
19	V-22 OSPREY	339,865	339,865
20	V-22 OSPREY (AP-CY)	20,000	20,000
	MISSION SUPPORT AIRCRAFT		
23	CIVIL AIR PATROL A/C	2,190	8,990
24	HH-60M	104,711	104,711
25	LIGHT ATTACK ARMED RECON AIRCRAFT	158,549	115,049

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER AIRCRAFT		
29	TARGET DRONES	64,268	59,268
30	C-37A	77,842	77,842
31	RQ-4 UAV	323,964	323,964
32	RQ-4 UAV (AP-CY)	71,500	71,500
33	MC 130 IN BA 04	108,470	108,470
34	MQ-9	813,092	---
	TOTAL, OTHER AIRCRAFT	2,137,251	1,282,459
	MODIFICATION OF INSERVICE AIRCRAFT		
	STRATEGIC AIRCRAFT		
35	B-2A	41,315	31,015
36	B-1B	198,007	198,007
37	B-52	93,897	93,897
	TACTICAL AIRCRAFT		
38	A-10	153,128	55,028
39	F-15	222,386	255,586
40	F-16	73,346	56,746
41	F-22A	232,032	232,032
	AIRLIFT AIRCRAFT		
43	C-5	11,741	11,741
45	C-5M	851,859	851,859
46	C-5M (AP-CY)	112,200	112,200
47	C-9C	9	9
48	C-17A	202,179	202,179
49	C-21	328	328
50	C-32A	12,157	1,757
51	C-37A	21,986	486
52	C-130 AMP	235,635	208,135
	TRAINER AIRCRAFT		
53	GLIDER MODS	123	123
54	T6	15,086	15,086
55	T-1	238	238
56	T-38	31,032	31,032

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER AIRCRAFT		
57	KC-10A (ATCA)	27,220	9,820
58	C-12	1,777	1,777
59	MC-12W	16,767	16,767
60	C-20 MODS	241	241
61	VC-25A MOD	387	387
62	C-40	206	206
63	C-130	45,876	56,276
64	C-130 MODS INTEL	3,593	3,593
65	C130J MODS	38,174	38,174
66	C-135	62,210	62,210
67	COMPASS CALL MODS	256,624	290,324
68	RC-135	162,211	162,211
69	E-3	135,031	135,031
70	E-4	57,829	57,829
71	E-8	29,058	22,558
72	H-1	5,280	5,280
73	H-60	34,371	58,971
74	RQ-4 UAV MODS	89,177	89,177
75	HC/MC-130 MODIFICATIONS	431	431
76	OTHER AIRCRAFT	115,338	68,238
77	MQ-1 MODS	158,446	158,446
78	MQ-9 MODS	181,302	149,744
79	MQ-9 PAYLOAD - UAS	74,866	74,866
80	CV-22 MODS	14,715	14,715
	OTHER MODIFICATIONS		
	TOTAL, MODIFICATION OF INSERVICE AIRCRAFT	4,019,814	3,834,756
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	1,030,364	927,364
	TOTAL, AIRCRAFT SPARES AND REPAIR PARTS	1,030,364	927,364

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	COMMON SUPPORT EQUIPMENT		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	92,394	90,318
	POST PRODUCTION SUPPORT		
83	B-1	4,743	4,743
84	B-2A	101	101
85	B-2A	49,319	49,319
87	C-5	521	521
89	KC-10A (ATCA)	5,691	5,691
90	C-17A	183,696	75,115
91	C-130	25,646	25,646
93	C-135	2,434	2,434
94	F-15 POST PRODUCTION SUPPORT	2,076	2,076
95	F-16 POST PRODUCTION SUPPORT	4,537	4,537
97	OTHER AIRCRAFT	40,025	23,225
	INDUSTRIAL PREPAREDNESS		
98	INDUSTRIAL PREPAREDNESS	21,050	21,050
	WAR CONSUMABLES		
99	WAR CONSUMABLES	87,220	---
	OTHER PRODUCTION CHARGES		
100	OTHER PRODUCTION CHARGES	1,072,858	1,034,858
	DARP		
104	DARP	48,875	48,875
	TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	1,641,186	1,388,509
	CLASSIFIED PROGRAMS	16,502	16,502
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	14,082,527	12,950,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

P-1		Budget Request	Conference
1	**F-35**	**3,340,615**	**3,289,615**
	Reduce by one aircraft		-151,000
	Concurrency costs		100,000
2	**F-35 (AP-CY)**	**323,477**	**228,977**
	Reduce advance procurement		-94,500
4	**C-17A (MYP)**	**0**	**225,000**
	Operational loss replacement of one aircraft		225,000
5	**C-130J**	**72,879**	**136,379**
	Transfer to Department of Homeland Security		63,500
6	**C-130J (AP-CY)**	**0**	**120,000**
	Unfunded requirement for advance procurement for 12 C/HC/MC/AC-130Js		120,000
23	**CIVIL AIR PATROL AIRCRAFT**	**2,190**	**8,990**
	Program increase		6,800
25	**LIGHT ATTACK ARMED RECONNAISSANCE (LAAR)**	**158,549**	**115,049**
	Reduction of three aircraft		-43,500
29	**TARGET DRONES**	**64,268**	**59,268**
	Slow execution		-5,000
34	**MQ-9**	**813,092**	**0**
	Block 5 to Block 1 adjustment		-64,000
	ASIP-2C sensors early to need		-29,500
	Transfer to title IX		-719,592
35	**B-2A**	**41,315**	**31,015**
	Excess to need		-10,300
38	**A-10**	**153,128**	**55,028**
	PATS-70 maintenance testers and spares		42,500
	Program reduction - Wing Replacement Program		-140,600
39	**F-15**	**222,386**	**255,586**
	Mode 5/IFF early to need		-14,000
	AESA Radar for ANG F-15s		47,200
40	**F-16**	**73,346**	**56,746**
	Mode 5/IFF early to need		-16,600
50	**C-32A**	**12,157**	**1,757**
	Program reduction - SLC3S-A		-10,400
51	**C-37A**	**21,986**	**486**
	Program reduction - SLC3S-A		-21,500
52	**C-130 AMP**	**235,635**	**208,135**
	Program reduction - kits early to need		-19,600
	Install kits early to need		-7,900

P-1		Budget Request	Conference
57	**KC-10A (ATCA)**	**27,220**	**9,820**
	CNS/ATM early to need		-17,400
63	**C-130**	**45,876**	**56,276**
	Air Force requested transfer from RDTE, AF line 81:		
	HC-130 T-1 modification integration		2,500
	HC-130 Loadmaster crashworthy seats		6,000
	HC-130 Low cost modifications		1,900
67	**COMPASS CALL MODS**	**256,624**	**290,324**
	Avionics modernization phase I		33,700
71	**E-8 (JSTARS)**	**29,058**	**22,558**
	Program reduction - reengining		-6,500
73	**H-60**	**34,371**	**58,971**
	Air Force requested transfer from RDTE, AF line 81:		
	H-60 Support Stand		2,000
	HH-60G SATCOM antenna		1,800
	HH-60G Obsolete Equipment Replacement		15,800
	HH-60G Cockpit reconfiguration/re-wiring		5,000
76	**OTHER AIRCRAFT**	**115,338**	**68,238**
	FAB-T early to need		-47,100
78	**MQ-9 MODS**	**181,302**	**149,744**
	Block 5 fielding early to need		-31,558
81	**INITIAL SPARES AND REPAIR PARTS**	**1,030,364**	**927,364**
	General reduction for low execution rate		-103,000
82	**AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT**	**92,394**	**90,318**
	F-15 ESTS contract delay		-2,076
90	**C-17**	**183,696**	**75,115**
	Transition to post production		-108,581
97	**OTHER AIRCRAFT**	**40,025**	**23,225**
	F-16 Block 40/50 MTC		-16,800
99	**WAR CONSUMABLES**	**87,220**	**0**
	Transfer to title IX		-87,220
100	**OTHER PRODUCTION CHARGES**	**1,072,858**	**1,034,858**
	Classified adjustment		-38,000

RETIREMENT OF B–1 AIRCRAFT

The fiscal year 2012 budget request includes a proposal to retire six B–1 bomber aircraft. The conferees understand that the B–1 fleet continues to operate almost constantly over Afghanistan in support of troops on the ground and that the B–1 is a critical component of the Nation's long-range strike capabilities. The Air Force proposed to reinvest less than 40 percent of the savings from aircraft retirements in the B–1 modernization program across the Future Years Defense Program. The conferees are concerned that premature retirement of six B–1 aircraft could negatively impact long-range strike capabilities. Therefore, the conferees direct the Secretary of the Air Force to reinvest a larger portion of savings realized from B–1 aircraft retirements, to the extent authorized by law, in the sustainment and modernization of the B–1 fleet.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	MISSILE PROCUREMENT, AIR FORCE		
	BALLISTIC MISSILES		
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	67,745	67,745
	OTHER MISSILES		
	TACTICAL		
2	JASSM	236,193	236,193
3	SIDEWINDER (AIM-9X)	88,769	88,769
4	AMRAAM	309,561	202,176
5	PREDATOR HELLFIRE MISSILE	46,830	46,830
6	SMALL DIAMETER BOMB	7,523	7,523
	INDUSTRIAL FACILITIES		
7	INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION	726	726
	TOTAL, OTHER MISSILES	689,602	582,217
	MODIFICATION OF INSERVICE MISSILES		
	CLASS IV		
8	ADVANCED CRUISE MISSILE	39	39
9	MM III MODIFICATIONS	125,953	125,953
10	AGM-65D MAVERICK	266	266
11	AGM-88A HARM	25,642	25,642
12	AIR LAUNCH CRUISE MISSILE	14,987	14,987
	TOTAL, MODIFICATION OF INSERVICE MISSILES	166,887	166,887

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SPARES AND REPAIR PARTS		
13	INITIAL SPARES/REPAIR PARTS	43,241	43,241
	OTHER SUPPORT		
	SPACE PROGRAMS		
14	ADVANCED EHF	552,833	552,833
16	WIDEBAND GAPFILLER SATELLITES	468,745	794,745
18	GPS III SPACE SEGMENT	433,526	433,526
19	GPS III SPACE SEGMENT (AP-CY)	81,811	81,811
20	SPACEBORNE EQUIP (COMSEC)	21,568	21,568
21	GLOBAL POSITIONING (SPACE)	67,689	107,689
22	DEF METEOROLOGICAL SAT PROG (SPACE)	101,397	101,397
23	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	1,740,222	1,708,222
24	SBIR HIGH (SPACE)	81,389	81,389
25	SBIR HIGH (SPACE) (AP-CY)	243,500	243,500
	SPECIAL PROGRAMS		
31	SPECIAL UPDATE PROGRAMS	154,727	154,727
	TOTAL, OTHER SUPPORT	3,947,407	4,281,407
	CLASSIFIED PROGRAMS	1,159,135	939,380
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	6,074,017	6,080,877

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	Conference
4	**AMRAAM**	**309,561**	**202,176**
	Production delays		-107,385
16	**WIDEBAND GAPFILLER SATELLITES**	**468,745**	**794,745**
	Transfer from P, DW line 20 for WGS-9		335,000
	Reduction to support funding growth		-9,000
21	**GLOBAL POSITIONING (SPACE)**	**67,689**	**107,689**
	GPS IIF production support		40,000
23	**EVOLVED EXPENDABLE LAUNCH VEHICLE (SPACE)**	**1,740,222**	**1,708,222**
	Excess to need due to efficiencies		-32,000
999	**CLASSIFIED PROGRAMS**	**1,159,135**	**939,380**
	Classified adjustment		-219,755

SPACE ACQUISITION AND THE EVOLUTIONARY ACQUISITION FOR SPACE EFFICIENCY ACTIVITIES

The conferees continue to support block buys of satellites that are evolved from previous designs as described in the ''Evolutionary Acquisition for Space Efficiency (EASE)'' concept. However, the conferees remain concerned that the details associated with the technology insertion program are missing in the budget justification material. Therefore, the conferees direct that of the funds appropriated for the Advanced Extremely High Frequency (AEHF) system Capabilities/Affordability Insertion Program (CAIP), no more than 50 percent shall be available for obligation until the Secretary of the Air Force submits a report to the congressional defense committees on the individual CAIP efforts with a description of the technology insertion plans being pursued. Further, the conferees direct the Secretary of the Air Force to include the detailed budget definition for each of the CAIP efforts in the R–3 documents for the fiscal year 2013 and future budget submissions. The conferees also direct that not more than the specified amounts shall be obligated for the AEHF CAIP/Space Modernization Initiative unless the Secretary of the Air Force notifies the congressional defense committees in writing 15 days prior to the obligation of funds which exceeds the following amounts: $28,300,000 for cryptology parts obsolescence; $20,000,000 for radiation hardened parts technologies; $3,200,000 for remotely piloted aircraft concept definition; $58,700,000 for protected military satellite communications (MILSATCOM) designs for affordability; $7,000,000 for hosted payloads; and $25,000,000 for MILSATCOM architecture and support.

In addition, the conferees reiterate their opposition to using advance appropriations for procurement of satellites and recommend that an alternative concept be proposed in future budget submissions.

Finally, the conferees are disappointed that it took the Department of Defense over two years to develop a 15–year space strategic plan. It is the intention of the conferees that such plans be regularly developed and updated; therefore, the conferees direct that the next 15–year space strategic plan be delivered with the fiscal year 2014 budget submission.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	PROCUREMENT OF AMMO, AIR FORCE		
1	ROCKETS	23,919	23,919
2	CARTRIDGES	89,771	89,771
	BOMBS		
3	PRACTICE BOMBS	38,756	33,876
4	GENERAL PURPOSE BOMBS	168,557	133,557
5	JOINT DIRECT ATTACK MUNITION	76,649	76,649
	FLARE, IR MJU-7B		
6	CAD/PAD	42,410	42,410
7	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,119	3,119
8	SPARES AND REPAIR PARTS	998	998
9	MODIFICATIONS	1,132	1,132
10	ITEMS LESS THAN $5,000,000	5,075	5,075
	FUZES		
11	FLARES	46,749	46,749
12	FUZES	34,735	34,735
	TOTAL, PROCUREMENT OF AMMO, AIR FORCE	531,870	491,990
	WEAPONS		
13	SMALL ARMS	7,195	7,195
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	539,065	499,185

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	Conference
3	**PRACTICE BOMBS**	**38,756**	**33,876**
	BDU-50C/B - Unjustified cost growth		-4,880
4	**GENERAL PURPOSE BOMBS**	**168,557**	**133,557**
	BLU-109 - Incorrect cost estimate		-35,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER PROCUREMENT, AIR FORCE		
	VEHICULAR EQUIPMENT		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLE	5,621	5,621
	CARGO + UTILITY VEHICLES		
2	FAMILY MEDIUM TACTICAL VEHICLE	18,411	18,411
3	CAP VEHICLES	917	917
4	ITEMS LESS THAN $5M (CARGO)	18,694	18,694
	SPECIAL PURPOSE VEHICLES		
5	SECURITY AND TACTICAL VEHICLES	5,982	85
6	ITEMS LESS THAN $5M (SPECIAL)	20,677	20,677
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,881	22,881
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAT $5,000,000	14,978	14,978
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOVAL & CLEANING EQUIP	16,556	16,556
10	ITEMS LESS THAN $5M	30,225	30,225
	TOTAL, VEHICULAR EQUIPMENT	154,942	149,045
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP		
	COMM SECURITY EQUIPMENT(COMSEC)		
11	COMSEC EQUIPMENT	135,169	135,169
12	MODIFICATIONS (COMSEC)	1,263	1,263
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	2,645	2,645
15	INTELLIGENCE COMM EQUIP	21,762	21,762
16	ADVANCE TECH SENSORS	899	899
17	MISSION PLANNING SYSTEMS	18,529	18,529
	ELECTRONICS PROGRAMS		
18	TRAFFIC CONTROL/LANDING	32,473	32,473
19	NATIONAL AIRSPACE SYSTEM	51,426	51,426
20	BATTLE CONTROL SYSTEM - FIXED	32,468	32,468
21	THEATER AIR CONTROL SYS IMPRO	22,813	22,813
22	WEATHER OBSERVATION FORECAST	14,619	14,619
23	STRATEGIC COMMAND AND CONTROL	39,144	38,144
24	CHEYENNE MOUNTAIN COMPLEX	25,992	25,992
25	TAC SIGNIT SPT	217	217

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	SPECIAL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	52,263	52,263
28	AF GLOBAL COMMAND & CONTROL SYSTEM	16,951	16,951
29	MOBILITY COMMAND AND CONTROL	26,433	17,033
30	AIR FORCE PHYSICAL SECURITY SYSTEM	90,015	90,015
31	COMBAT TRAINING RANGES	23,955	36,455
32	C3 COUNTERMEASURES	7,518	7,518
33	GCSS-AF FOS	72,641	72,641
34	THEATER BATTLE MGT C2 SYS	22,301	22,301
35	AIR OPERATIONS CENTER (AOC)	15,525	15,525
	AIR FORCE COMMUNICATIONS		
36	INFORMATION TRANSPORT SYSTEMS	49,377	49,377
37	BASE INFORMATION INFRASTRUCTURE	41,239	41,239
38	AFNET	228,978	128,978
39	VOICE SYSTEMS	43,603	23,603
40	USCENTCOM	30,983	30,983
	DISA PROGRAMS		
41	SPACE BASED IR SENSOR PROG SPACE	49,570	49,570
42	NAVSTAR GPS SPACE	2,008	2,008
43	NUDET DETECTION SYS (NDS) SPACE	4,863	4,863
44	AF SATELLITE CONTROL NETWORK SPACE	61,386	61,386
45	SPACELIFT RANGE SYSTEM SPACE	125,947	125,947
46	MILSATCOM SPACE	104,720	36,570
47	SPACE MODS SPACE	28,075	28,075
48	COUNTERSPACE SYSTEM	20,718	20,718
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	227,866	153,626
50	COMBAT SURVIVOR EVADER LOCATER	22,184	7,184
51	RADIO EQUIPMENT	11,408	11,408
52	CCTV/AUDIOVISUAL EQUIPMENT	11,559	11,559
53	BASE COMM INFRASTRUCTURE	105,977	80,977
	MODIFICATIONS		
54	COMM ELECT MODS	76,810	76,810
	TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP	1,974,292	1,674,002

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
	PERSONAL SAFETY AND RESCUE EQUIP		
55	NIGHT VISION GOGGLES	20,008	1,008
56	ITEMS LESS THAN $5,000,000 (SAFETY)	25,499	12,598
	DEPOT PLANT + MATERIALS HANDLING EQ		
57	MECHANIZED MATERIAL HANDLING	37,829	37,829
	BASE SUPPORT EQUIPMENT		
58	BASE PROCURED EQUIPMENT	16,483	16,483
59	CONTINGENCY OPERATIONS	16,754	16,754
60	PRODUCTIVITY CAPITAL INVESTMENT	3,653	903
61	MOBILITY EQUIPMENT	30,345	20,345
62	ITEMS LESS THAN $5M (BASE SUPPORT)	2,819	2,819
	SPECIAL SUPPORT PROJECTS		
64	DARP RC135	23,341	23,341
65	DISTRIBUTED GROUND SYSTEMS	212,146	212,146
67	SPECIAL UPDATE PROGRAM	410,069	410,069
68	DEFENSE SPACE RECONNAISSANCE PROGRAM	41,066	41,066
	TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP	840,012	795,361
	SPARE AND REPAIR PARTS		
69	SPARES AND REPAIR PARTS	14,630	14,630
	CLASSIFIED PROGRAMS	14,618,160	14,770,526
	TOTAL, OTHER PROCUREMENT, AIR FORCE	17,602,036	17,403,564

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

P-1		Budget Request	Conference
5	**SECURITY AND TACTICAL VEHICLES**	**5,982**	**85**
	HMMWV - Excess to need		-2,956
	Guardian Angel contract delay		-2,941
23	**STRATEGIC COMMAND AND CONTROL**	**39,144**	**38,144**
	JFHQ equipment		-1,000
29	**MOBILITY COMMAND AND CONTROL**	**26,433**	**17,033**
	Wing LAN infrastructure - slow execution		-2,000
	SLICC/Viper II excess to need		-7,400
31	**COMBAT TRAINING RANGES**	**23,955**	**36,455**
	Test and Training Range upgrades		12,500
38	**AFNET**	**228,978**	**128,978**
	Reduce program growth		-100,000
39	**VOICE SYSTEMS**	**43,603**	**23,603**
	Reduce program growth		-20,000
46	**MILSATCOM SPACE**	**104,720**	**36,570**
	FAB-T advance procurement ahead of need		-68,150
49	**TACTICAL C-E EQUIPMENT**	**227,866**	**153,626**
	JTRS Handhelds/Manpacks - pricing		-44,500
	JTRS AMF - Milestone C slip		-12,600
	JTC Training and Rehearsal System ahead of need		-17,140
50	**COMBAT SURVIVOR EVADER LOCATER**	**22,184**	**7,184**
	CSEL Contract delay		-15,000
53	**BASE COMM INFRASTRUCTURE**	**105,977**	**80,977**
	Slow execution		-25,000
55	**NIGHT VISION GOGGLES**	**20,008**	**1,008**
	Night Vision Cueing and Display contract delay		-19,000
56	**ITEMS LESS THAN $5 MILLION - SAFETY/RESCUE**	**25,499**	**12,598**
	Laser Eye Protection contract delay		-5,800
	MACH early to need		-7,101
60	**PRODUCTIVITY CAPITAL INVESTMENT**	**3,653**	**903**
	Unjustified program growth		-2,750
61	**MOBILITY EQUIPMENT**	**30,345**	**20,345**
	Power Generation - reduce growth		-10,000
999	**CLASSIFIED PROGRAMS**	**14,618,160**	**14,770,526**
	Classified adjustment		152,366

PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT		
	MAJOR EQUIPMENT, DCAA		
2	MAJOR EQUIPMENT ITEMS LESS THAN $5M	1,473	1,473
	MAJOR EQUIPMENT, DCMA		
3	MAJOR EQUIPMENT	2,076	2,076
	MAJOR EQUIPMENT, DHRA		
4	PERSONNEL ADMINISTRATION	11,019	11,019
	MAJOR EQUIPMENT, DISA		
14	INFORMATION SYSTEMS SECURITY	19,952	19,952
15	GLOBAL COMMAND AND CONTROL SYS	5,324	5,324
16	GLOBAL COMBAT SUPPORT SYSTEM	2,955	2,955
17	TELEPORT PROGRAM	54,743	54,743
18	ITEMS LESS THAN $5M	174,805	174,805
19	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,429	3,429
20	DEFENSE INFORMATION SYSTEMS NETWORK	500,932	84,932
21	PUBLIC KEY INFRASTRUCTURE	1,788	1,788
22	CYBER SECURITY INITIATIVE	24,085	24,085
	MAJOR EQUIPMENT, DLA		
23	MAJOR EQUIPMENT	11,537	11,537
	MAJOR EQUIPMENT, DMACT		
24	A - WEAPON SYSTEM COST	14,542	14,542
	MAJOR EQUIPMENT, DODEA		
25	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,444	1,444
12	EQUIPMENT	971	971
12	OTHER CAPITAL EQUIPMENT	974	974
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
28	VEHICLES	200	200
29	OTHER MAJOR EQUIPMENT	12,806	12,806
	MAJOR EQUIPMENT, DTSA		
30	MAJOR EQUIPMENT	447	447
	MAJOR EQUIPMENT, MDA		
33	THAAD SYSTEM	833,150	709,150
34	AEGIS BMD	565,393	565,393
35	BMDS AN/TPY-2 RADARS	380,195	380,195

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	MAJOR EQUIPMENT, NSA		
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,787	5,787
	MAJOR EQUIPMENT, OSD		
45	MAJOR EQUIPMENT, OSD	47,123	47,123
46	MAJOR EQUIPMENT, INTELLIGENCE	20,176	20,176
	MAJOR EQUIPMENT, TJS		
47	MAJOR EQUIPMENT, TJS	29,729	29,729
	MAJOR EQUIPMENT, WHS		
48	MAJOR EQUIPMENT, WHS	31,974	31,974
	TOTAL, MAJOR EQUIPMENT	2,759,029	2,219,029
	SPECIAL OPERATIONS COMMAND		
	AVIATION PROGRAMS		
49	SOF ROTARY WING UPGRADES AND SUSTAINMENT	41,411	41,411
51	MH-60 SOF MODERNIZATION PROGRAM	171,456	145,456
52	NON-STANDARD AVIATION	272,623	217,623
54	SOF U-28	5,100	5,100
55	MH-47 CHINOOK	142,783	142,783
56	RQ-11 UAV	486	486
57	CV-22 SOF MODIFICATION	118,002	118,002
58	MQ-1 UAV	3,025	3,025
59	MQ-9 UAV	3,024	3,024
60	RQ-7 UNMANNED AERIAL VEHICLE	450	450
61	STUASLO	12,276	12,276
62	AC-130J	74,891	74,891
63	C-130 MODIFICATIONS	19,665	23,165
64	AIRCRAFT SUPPORT	6,207	6,207
	SHIPBUILDING		
65	UNDERWATER SYSTEMS	6,999	6,999
	AMMUNITION PROGRAMS		
67	SOF ORDNANCE REPLENISHMENT	116,009	106,009
68	SOF ORDNANCE ACQUISITION	28,281	18,281

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OTHER PROCUREMENT PROGRAMS		
69	COMM EQUIPMENT & ELECTRONICS	87,489	164,489
70	SOF INTELLIGENCE SYSTEMS	74,702	74,702
71	SMALL ARMS & WEAPONS	9,196	9,196
72	DCGS-SOF	15,621	15,621
76	SOF COMBATANT CRAFT SYSTEMS	6,899	70,899
77	SPARES AND REPAIR PARTS	594	594
78	TACTICAL VEHICLES	33,915	33,915
79	MISSION TRAINING AND PREPARATIONS SYSTEMS	46,242	46,242
81	COMBAT MISSION REQUIREMENTS	50,000	20,000
82	MILCON COLLATERAL EQUIPMENT	18,723	18,723
85	SOF AUTOMATION SYSTEMS	51,232	51,232
86	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,782	7,782
87	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	22,960	22,960
88	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	362	362
89	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SY	15,758	15,758
90	SOF TACTICAL RADIO SYSTEMS	76,459	148,459
93	MISCELLANEOUS EQUIPMENT	1,895	1,895
94	SOF OPERATIONAL ENHANCEMENTS	246,893	249,893
95	MILITARY INFORMATION SUPPORT OPERATIONS	4,142	4,142
	TOTAL, SPECIAL OPERATIONS COMMAND	1,793,552	1,882,052
	CHEMICAL/BIOLOGICAL DEFENSE		
96	INSTALLATION FORCE PROTECTION	15,900	15,900
97	INDIVIDUAL PROTECTION	71,376	71,376
98	DECONTAMINATION	6,466	6,466
99	JOINT BIOLOGICAL DEFENSE PROGRAM	11,143	4,143
100	COLLECTIVE PROTECTION	9,414	9,414
101	CONTAMINATION AVOIDANCE	139,948	139,948
	TOTAL, CHEMICAL/BIOLOGICAL DEFENSE	254,247	247,247
	CLASSIFIED PROGRAMS	558,420	545,100
	TOTAL, PROCUREMENT, DEFENSE-WIDE	5,365,248	4,893,428

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
20	**DEFENSE INFORMATION SYSTEMS NETWORK**	**500,932**	**84,932**
	Commercial Satellite - Transfer to MP,AF line 16		-416,000
33	**THAAD SYSTEM**	**833,150**	**709,150**
	Excess to production capacity		-124,000
51	**MH-60 SOF MODERNIZATION PROGRAM**	**171,456**	**145,456**
	Maintain fiscal year 2011 production rate due to extended modification periods		-26,000
52	**NON-STANDARD AVIATION**	**272,623**	**217,623**
	AvFID fixed-wing aircraft		-45,000
	AvFID rotary-wing simulator		-10,000
63	**C-130 MODIFICATIONS**	**19,665**	**23,165**
	Program increase - unfunded requirement		3,500
67	**SOF ORDNANCE REPLENISHMENT**	**116,009**	**106,009**
	Prior year funding carryover		-10,000
68	**SOF ORDNANCE ACQUISITION**	**28,281**	**18,281**
	Aviation ammunition - prior year funding carryover		-10,000
69	**COMMUNICATION EQUIPMENT & ELECTRONICS**	**87,489**	**164,489**
	Program increase - SOF Deployable Nodes unfunded requirement		77,000
76	**SOF COMBATANT CRAFT SYSTEMS**	**6,899**	**70,899**
	Program increase - HSAC unfunded requirement		64,000
81	**COMBAT MISSION REQUIREMENTS**	**50,000**	**20,000**
	Excess to need		-30,000
90	**SOF TACTICAL RADIO SYSTEMS**	**76,459**	**148,459**
	Program increase - unfunded requirement		72,000
94	**SOF OPERATIONAL ENHANCEMENTS**	**246,893**	**249,893**
	Program increase - Electronic Warfare unfunded requirement		3,000
99	**JOINT BIOLOGICAL DEFENSE PROGRAM**	**11,143**	**4,143**
	Next Generation Diagnostic System ahead of need		-7,000
	CLASSIFIED PROGRAMS	**558,420**	**545,100**
	Classified adjustment		-13,320

SM–3 BLOCK IB MISSILE

The fiscal year 2012 budget request includes $565,393,000 for the procurement of SM–3 Block IB missiles in support of Aegis Ballistic Missile Defense. The conferees have been informed by the Missile Defense Agency (MDA) that following a recent flight test failure, those funds are partially ahead of need. The conferees have also been informed that funding is required for a failure review of the SM–3 Block IB, sustainment of the industrial base, and the procurement of SM–3 Block IA missiles before SM–3 Block IB missiles will be procured. The conferees understand that the details of the specific funding requirements are currently being analyzed by MDA and direct MDA to submit a prior approval reprogramming request prior to executing funds from this line.

SPECIAL OPERATIONS COMMAND AVIATION FOREIGN INTERNAL DEFENSE

The conferees are aware of ongoing reviews of the proposed expansion of the Aviation Foreign Internal Defense (AvFID) mission in the Special Operations Command. While these reviews are not yet complete, the conferees believe that the rapid expansion of this mission, as proposed in the fiscal year 2012 budget request, must be tempered. The agreement contains reductions of $45,000,000 from procurement of AvFID fixed-wing aircraft, $10,000,000 from procurement of an AvFID rotary-wing aircraft simulator, and $17,607,000 from operation and maintenance for aircraft that will not deliver until fiscal year 2013. The agreement fully funds the procurement of two AvFID rotary-wing aircraft and associated support equipment.

The conferees direct that no funds provided for fixed-wing Aviation Foreign Internal Defense aircraft may be obligated until 30 days after submission of a report by the Commander, Special Operations Command to the congressional defense committees describing how the funds will be used to support the AvFID or the non-standard aviation (NSAV) missions, a summary of AvFID and NSAV funding contained in the fiscal year 2013 budget request and the Future Years Defense Program, and an analysis of alternatives used to justify the described program. The report shall be submitted not later than February 15, 2012.

DEFENSE PRODUCTION ACT PURCHASES

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

P–1	Budget request	Conference
DEFENSE PRODUCTION ACT:		
GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	8,373	8,373
GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,321	2,321
LITHIUM ION (LI ION) BATTERY PRODUCTION FOR SPACE	770	770
CADMIUM ZINC TELLURIDE SUBSTRATE PRODUCTION	1,900	1,900
READ OUT INTEGRATED CIRCUIT FOUNDRY IMPROVEMENT AND SUSTAINABILITY	1,200	1,200
SPACE QUALIFIED SOLAR CELL SUPPLY CHAIN	600	600
TRAVELING WAVE TUBE AMPLIFIERS	1,310	1,310
COMPLEMENTARY METAL OXIDE SEMICONDUCTOR FOCAL PLAN ARRAYS FOR VISIBLE SENSORS FOR STAR TRACKERS	1,800	1,800
ADVANCED PROJECTS	1,690	1,690
PROGRAM INCREASE		150,000
TOTAL, DEFENSE PRODUCTION ACT	19,964	169,964

LONG TERM CONTRACTS

The conferees believe that the time and money being invested by the Department of Defense in biofuels and alternative energy will reap dividends not only for the Nation's armed forces, but eventually for the Nation itself. The conferees want the Department to be in the best position possible to take advantage of the expected breakthroughs in this area and encourage the Department to eventually pursue extended multi-year contracts, pursuant to the Financial Management Regulation, for biofuels products in order to maximize efficiencies of scale for the best purchase price.

ADDITIONAL FUNDING

The conferees recognize the critical role the Defense Production Act program serves in strengthening the Nation's industrial base. Therefore, the conferees provide $150,000,000 over the budget request to supplement this important program. As stated in the Senate report, the conferees direct the Under Secretary of Defense (Acquisition, Technology and Logistics) to award this funding to multiple projects using full and open competition and to notify the congressional defense committees not later than 30 days in advance of this funding being obligated.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides $72,420,675,000 in Title IV, Research, Development, Test and Evaluation, instead of $72,983,469,000 as proposed by the House and $71,033,956,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
RECAPITULATION		
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.....	9,683,980	8,745,492
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY.....	17,956,431	17,753,940
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE.	27,737,701	26,535,996
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE.....	19,755,678	19,193,955
OPERATIONAL TEST AND EVALUATION, DEFENSE.....	191,292	191,292
GRAND TOTAL, RDT&E.....	75,325,082	72,420,675

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase ''only for'' or ''only to'' in this report are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount specifically addressed in the explanatory statement.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109–119). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement and $10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the combined value of transfers into or out of a procurement (P–1) or research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

REPROGRAMMING REPORTING REQUIREMENTS

The conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles III and IV of this Act as required in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006.

DEPARTMENT OF DEFENSE AND SERVICE CYBER ACTIVITIES

The conferees acknowledge the threat to and from the cyber realm has been well documented; however, the resources being expended against the threat have not. In order to better evaluate the planning and resourcing for Department of Defense cyber activities, the conferees direct the Commander, United States Cyber Command, in coordination with the Secretary of Defense and each of the Service Secretaries, to provide the congressional defense committees separate budget justification material, in the form of the budget documents as defined in the Department's own Financial Management Regulation, that details the year-to-year budgets, schedule, and milestone goals over the Future Years Defense Program for the individual programs that support the goals of the cyber initiative. The programs detailed must include cyberspace operations, computer network operations, information assurance, and full spectrum cyber operations for the Department of Defense and the Services.

The conferees suggest that the Department continue to refine what activities, budget lines, and programs should be considered cyber in order to better coordinate and track these budgets.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
	BASIC RESEARCH		
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,064	21,064
2	DEFENSE RESEARCH SCIENCES	213,942	213,942
3	UNIVERSITY RESEARCH INITIATIVES	80,977	80,977
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	140,937
	TOTAL, BASIC RESEARCH	436,920	456,920
	APPLIED RESEARCH		
5	MATERIALS TECHNOLOGY	30,258	50,758
6	SENSORS AND ELECTRONIC SURVIVABILITY	43,521	43,521
7	TRACTOR HIP	14,230	14,230
8	AVIATION TECHNOLOGY	44,610	44,610
9	ELECTRONIC WARFARE TECHNOLOGY	15,790	15,790
10	MISSILE TECHNOLOGY	50,685	67,185
11	ADVANCED WEAPONS TECHNOLOGY	20,034	20,034
12	ADVANCED CONCEPTS AND SIMULATION	20,933	20,933
13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,306	64,306
14	BALLISTICS TECHNOLOGY	59,214	59,214
15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,877	4,877
16	JOINT SERVICE SMALL ARMS PROGRAM	8,244	8,244
17	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	54,813
18	ELECTRONICS AND ELECTRONIC DEVICES	62,962	62,962
19	NIGHT VISION TECHNOLOGY	57,203	55,203
20	COUNTERMINE SYSTEMS	20,280	32,780
21	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,801	21,801
22	ENVIRONMENTAL QUALITY TECHNOLOGY	20,837	20,837
23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	26,116	26,116
24	COMPUTER AND SOFTWARE TECHNOLOGY	8,591	8,591
25	MILITARY ENGINEERING TECHNOLOGY	80,317	80,317
26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,946	18,946
27	WARFIGHTER TECHNOLOGY	29,835	46,335

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
28	MEDICAL TECHNOLOGY	105,929	105,929
	TOTAL, APPLIED RESEARCH	869,332	948,332
	ADVANCED TECHNOLOGY DEVELOPMENT		
29	WARFIGHTER ADVANCED TECHNOLOGY	52,979	52,979
30	MEDICAL ADVANCED TECHNOLOGY	68,171	102,971
31	AVIATION ADVANCED TECHNOLOGY	62,193	62,193
32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	77,077	77,077
33	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	146,145
34	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	5,312	5,312
35	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	10,298	10,298
36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	69,963
37	TRACTOR HIKE	8,155	8,155
38	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,936	17,936
39	TRACTOR ROSE	12,597	12,597
40	MILITARY HIV RESEARCH	6,796	22,796
41	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	12,191	12,191
42	TRACTOR NAIL	4,278	4,278
43	TRACTOR EGGS	2,261	2,261
44	ELECTRONIC WARFARE TECHNOLOGY	23,677	23,677
45	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,602	90,602
46	TRACTOR CAGE	10,315	10,315
47	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	228,150
48	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	31,541	31,541
49	JOINT SERVICE SMALL ARMS PROGRAM	7,686	7,686
50	NIGHT VISION ADVANCED TECHNOLOGY	42,414	42,414
51	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,959	15,959
52	MILITARY ENGINEERING ADVANCED TECHNOLOGY	36,516	36,516
53	ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY	30,600	30,600
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	976,812	1,124,612

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	DEMONSTRATION & VALIDATION		
55	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	36,009	24,009
56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,612	9,612
58	LANDMINE WARFARE AND BARRIER - ADV DEV	35,383	19,293
59	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	9,501	4,501
60	TANK AND MEDIUM CALIBER AMMUNITION	39,693	39,693
61	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	101,408	64,408
62	SOLDIER SUPPORT AND SURVIVABILITY	9,747	3,843
63	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - AD	5,766	5,766
65	ENVIRONMENTAL QUALITY TECHNOLOGY	4,946	4,946
66	WARFIGHTER INFORMATION NETWORK-TACTICAL	297,955	182,955
67	NATO RESEARCH AND DEVELOPMENT	4,765	4,765
68	AVIATION - ADV DEV	7,107	7,107
69	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	19,509	12,509
70	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	5,258	5,258
71	MEDICAL SYSTEMS - ADV DEV	34,997	34,997
72	SOLDIER SYSTEMS - ADVANCED DEVELOPMENT	19,598	17,752
73	INTEGRATED BROADCAST SERVICE	1,496	1,496
74	TECHNOLOGY MATURATION INITIATIVES	10,181	10,181
75	TRACTOR JUTE	15,609	15,609
76	JOINT COOPERATIVE TARGET IDENTIFICATION - GROUND (JCTI	41,652	15,052
77	ENDURANCE UAVS	42,892	42,892
	TOTAL, DEMONSTRATION & VALIDATION	753,084	526,644
	ENGINEERING & MANUFACTURING DEVELOPMENT		
78	AIRCRAFT AVIONICS	144,687	119,687
79	ARMED, DEPLOYABLE OH-58D	166,132	82,442
80	ELECTRONIC WARFARE DEVELOPMENT	101,265	34,265
82	ALL SOURCE ANALYSIS SYSTEM	17,412	7,412
83	TRACTOR CAGE	26,577	26,577
84	INFANTRY SUPPORT WEAPONS	73,728	83,474
85	MEDIUM TACTICAL VEHICLES	3,961	3,961
87	JAVELIN	17,340	9,940
88	FAMILY OF HEAVY TACTICAL VEHICLES	5,478	5,478

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
89	AIR TRAFFIC CONTROL	22,922	22,922
90	LIGHT TACTICAL WHEELED VEHICLES	---	70,000
93	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	383,872	298,872
95	FCS UNMANNED GROUND VEHICLES	143,840	36,000
96	FCS UNATTENDED GROUND SENSORS	499	---
98	NIGHT VISION SYSTEMS - SDD	59,265	59,265
99	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,075	2,075
100	NON-SYSTEM TRAINING DEVICES - SDD	30,021	30,021
101	TERRAIN INFORMATION - SDD	1,596	1,596
102	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE -SDD	83,010	83,010
103	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,305	28,305
104	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,375	14,375
105	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD	15,803	15,803
107	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	22,226	22,226
108	WEAPONS AND MUNITIONS - SDD	13,828	13,828
109	LOGISTICS AND ENGINEER EQUIPMENT - SDD	251,104	173,311
110	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	137,811	81,811
111	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	27,160	27,160
112	LANDMINE WARFARE/BARRIER - SDD	87,426	76,326
113	ARTILLERY MUNITIONS	42,627	37,627
115	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	123,935	93,935
116	RADAR DEVELOPMENT	2,890	2,890
117	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	794	794
118	FIREFINDER	10,358	10,358
119	SOLDIER SYSTEMS - WARRIOR DEM/VAL	48,309	61,409
120	ARTILLERY SYSTEMS	120,146	120,146
121	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	406,605	390,000
122	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398
123	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	32,098
124	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH	68,693	68,693
125	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,095	127,095
126	SLAMRAAM	19,931	1,531
127	PAC-2/MSE MISSILE	88,993	88,993

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
128	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	270,607	270,607
129	MANNED GROUND VEHICLE	884,387	449,387
130	AERIAL COMMON SENSOR	31,465	31,465
131	TROJAN - RH12	3,920	3,920
132	ELECTRONIC WARFARE DEVELOPMENT	13,819	13,819
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,190,788	3,242,307
	RDT&E MANAGEMENT SUPPORT		
133	THREAT SIMULATOR DEVELOPMENT	16,992	26,158
134	TARGET SYSTEMS DEVELOPMENT	11,247	11,247
135	MAJOR T&E INVESTMENT	49,437	49,437
136	RAND ARROYO CENTER	20,384	20,384
137	ARMY KWAJALEIN ATOLL	145,606	145,606
138	CONCEPTS EXPERIMENTATION PROGRAM	28,800	28,800
140	ARMY TEST RANGES AND FACILITIES	262,456	312,456
141	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227
142	SURVIVABILITY/LETHALITY ANALYSIS	43,483	43,483
143	DOD HIGH ENERGY LASER TEST FACILITY	18	18
144	AIRCRAFT CERTIFICATION	5,630	5,630
145	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,182	7,182
146	MATERIEL SYSTEMS ANALYSIS	19,669	19,669
147	EXPLOITATION OF FOREIGN ITEMS	5,445	5,445
148	SUPPORT OF OPERATIONAL TESTING	68,786	68,786
149	ARMY EVALUATION CENTER	63,302	63,302
150	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	3,420	3,420
151	PROGRAMWIDE ACTIVITIES	83,054	83,054
152	TECHNICAL INFORMATION ACTIVITIES	63,872	54,872
	ANALYSIS OF ALTERNATIVE PILOT	---	500
153	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	57,142	57,142
154	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961
155	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	17,558	17,558
	TOTAL, RDT&E MANAGEMENT SUPPORT	1,048,671	1,099,337

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATIONAL SYSTEMS DEVELOPMENT		
158	MLRS PRODUCT IMPROVEMENT PROGRAM	66,641	66,641
159	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	7,500
160	AEROSTAT JOINT PROJECT OFFICE	344,655	327,855
162	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	29,546	29,546
163	COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	36,207
164	MANEUVER CONTROL SYSTEM	65,002	42,414
165	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	149,705
166	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823
167	DIGITIZATION	8,029	8,029
169	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	54,560
171	TRACTOR CARD	42,554	42,554
172	JOINT TACTICAL GROUND SYSTEM	27,630	27,630
173	JOINT HIGH SPEED VESSEL (JHSV)	3,044	---
175	SECURITY AND INTELLIGENCE ACTIVITIES	2,854	2,854
176	INFORMATION SYSTEMS SECURITY PROGRAM	61,220	15,709
176A	FAMILY OF BIOMETRICS	---	45,511
177	GLOBAL COMBAT SUPPORT SYSTEM	100,505	160,745
178	SATCOM GROUND ENVIRONMENT (SPACE)	12,104	12,104
179	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	23,937	23,937
181	TACTICAL UNMANNED AERIAL VEHICLES	40,650	26,550
182	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	31,699
183	MQ-1 SKY WARRIOR A UAV	137,038	122,038
184	RQ-11 UAV	1,938	1,938
185	RQ-7 UAV	31,940	31,940
187	BIOMETRICS ENABLED INTELLIGENCE	15,018	15,018
188	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,297	59,297
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,403,837	1,342,804
999	CLASSIFIED PROGRAMS	4,536	4,536
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	9,683,980	8,745,492

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R-1		Budget Request	Conference
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	140,937
	Historically Black Colleges and Universities		20,000
5	MATERIALS TECHNOLOGY	30,258	50,758
	Nanotechnology research		8,000
	Silicon carbide research		12,500
10	MISSILE TECHNOLOGY	50,685	67,185
	Restore unjustified reductions for missile lethality and precision research		16,500
17	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	54,813
	Program increase		15,000
19	NIGHT VISION TECHNOLOGY	57,203	55,203
	Program growth adjustment		-2,000
20	COUNTERMINE SYSTEMS	20,280	32,780
	Unexploded ordnance and landmine detection research		12,500
27	WARFIGHTER TECHNOLOGY	29,835	46,335
	Power generation research		16,500
30	MEDICAL ADVANCED TECHNOLOGY	68,171	102,971
	Peer-Reviewed Neurotoxin Exposure Treatment Parkinsons Research Program		16,000
	Peer-Reviewed Neurofibromatosis Research Program		12,800
	Peer-Reviewed Military Burn Research Program		6,000
33	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	146,145
	Alternative energy research		40,000
36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	69,963
	Cyber security/information assurance research		12,000
40	MILITARY HIV RESEARCH	6,796	22,796
	Program increase		16,000
47	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	228,150
	Restore unjustified reduction		45,000

R-1		Budget Request	Conference
55	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION**	**36,009**	**24,009**
	TR7 Schedule delays		-12,000
58	**LANDMINE WARFARE AND BARRIER - ADV DEV**	**35,383**	**19,293**
	Excess to Army requirement		-16,090
59	**SMOKE, OBSCURANT AND TARGET DEFEATING SYSTEM-ADVANCE DEVELOPMENT**	**9,501**	**4,501**
	Program growth adjustment		-5,000
61	**ADVANCED TANK ARMAMENT SYSTEM (ATAS)**	**101,408**	**64,408**
	Program growth adjustment		-37,000
62	**SOLDIER SUPPORT AND SURVIVABILITY**	**9,747**	**3,843**
	Rapid Equipping Force- Lack of baseline requirement		-5,904
66	**WARFIGHTER INFORMATION NETWORK-TACTICAL**	**297,955**	**182,955**
	Increment III program acceleration		-115,000
69	**LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV**	**19,509**	**12,509**
	G11-LAMPS - Army requested transfer to Line 109		-7,000
72	**SOLDIER SYSTEMS - ADVANCED DEVELOPMENT**	**19,598**	**17,752**
	S53 efforts - Transfer to VS4		-1,846
76	**JOINT COOPERATIVE TARGET IDENTIFICATION - GROUND (JCTI-G) TECHNOLOGY DEVELOPMENT**	**41,652**	**15,052**
	Army identified excess to requirement		-26,600
78	**AIRCRAFT AVIONICS**	**144,687**	**119,687**
	JTRS AMF integration delays		-15,000
	JPALS excessive growth		-10,000
79	**ARMED, DEPLOYABLE OH-58D**	**166,132**	**82,442**
	OH-58D Project 538 support for continued service		-20,000
	Project 53Z - Technology Development funding requested ahead of need		-78,690
	Project 53Z Armed Scout Helicopter excursion to Analysis of Alternatives, and flight demonstration, as requested by Army		15,000
80	**ELECTRONIC WARFARE DEVELOPMENT**	**101,265**	**34,265**
	CIRCM program delays		-67,000

R-1		Budget Request	Conference
82	**ALL SOURCE ANALYSIS SYSTEM**	**17,412**	**7,412**
	Machine Foreign Language Translation System contract award delay		-10,000
84	**INFANTRY SUPPORT WEAPONS**	**73,728**	**83,474**
	Army requested transfer for Engineering and Manufacturing Development Testing from WTCV,A line 17		16,046
	Army requested transfer for re-testing of Lightweight .50 Caliber Machine Gun following a parts failure from WTCV,A line 20		1,700
	S61 - High concurrency of incremental efforts		-8,000
87	**JAVELIN**	**17,340**	**9,940**
	Excess to requirement		-7,400
90	**LIGHT TACTICAL WHEELED VEHICLES**	**0**	**70,000**
	Armored HMMWV survivability enhancements		50,000
	Transfer from line 109 for fiscal year 2012 HMMWV Competitive RECAP (MECV) - Army identified shortfall		20,000
93	**FCS SYSTEMS OF SYSTEMS ENGINERING AND PROGRAM MANAGEMENT**	**383,872**	**298,872**
	Unjustified requirement		-85,000
95	**FCS UNMANNED GROUND VEHICLES**	**143,840**	**36,000**
	Program adjustment		-107,840
96	**FCS UNATTENDED GROUND SENSORS**	**499**	**0**
	Program termination		-499
109	**LOGISTICS AND ENGINEER EQUIPMENT - SDD**	**251,104**	**173,311**
	Project 194 - LAMPS - Army requested transfer from line 69, project G11		7,000
	Project L50 - JLTV Restructure		-64,793
	Project L50 - Transfer to line 90 for HMMWV Competitive RECAP (MECV) Army identified shortfall		-20,000
110	**COMMAND, CONTROL, COMMUNICATIONS SYST - SDD**	**137,811**	**81,811**
	JBC-P excessive growth		-56,000
112	**LANDMINE WARFARE/BARRIER - SDD**	**87,426**	**76,326**
	EHP - Contract award delay		-11,100

R-1		Budget Request	Conference
113	ARTILLERY MUNITIONS	42,627	37,627
	Program growth adjustment		-5,000
115	ARMY TACTICAL COMMAND & CONTROL HARDWARE AND SOFTWARE	123,935	93,935
	Project 334 - Excessive growth		-30,000
119	SOLDIER SYSTEMS - WARRIOR DEM/VAL	48,309	61,409
	Nett Warrior - Army requested transfer from OP,A, line 147		7,600
	Nett Warrior - Additional Army requested transfer from OP,A line 147 for NIE		5,500
121	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM	406,605	390,000
	Program decrease		-16,605
123	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	32,098
	Unsustained growth		-5,000
126	SLAMRAAM	19,931	1,531
	Excess to program close-out requirement		-18,400
129	MANNED GROUND VEHICLE	884,387	449,387
	Excessive Technology Ramp-up prior to completion of Analysis of Alternatives		-435,000
133	THREAT SIMULATOR DEVELOPMENT	16,992	26,158
	Unfunded JFCOM mission transfer		9,166
140	ARMY TEST RANGES AND FACILITIES	262,456	312,456
	Program increase		50,000
152	TECHNICAL INFORMATION ACTIVITIES	63,872	54,872
	Project 733 - Analysis of Alternatives Pilot - Transfer to line 152A		-9,000
152A	ANALYSIS OF ALTERNATIVES PILOT	0	500
	Transfer from line 152 for Analysis of Alternatives Pilot		500
159	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	7,500
	Funding excess to only the Analysis of Alternatives		-16,642

R-1	Budget Request	Conference
160 AEROSTAT JOINT PROJECT OFFICE	344,655	327,855
Program growth adjustment - Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System		-16,800
163 COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	36,207
AMPV		-17,100
164 MANEUVER CONTROL SYSTEM	65,002	42,414
Unjustified growth		-22,588
165 AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	149,705
Project 504 - Excess to Army Analysis of Alternatives requirement		-13,500
169 MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	54,560
Stinger SLEP - Army requested transfer from Missile Procurement, Army		10,000
173 JOINT HIGH SPEED VESSEL (JHSV)	3,044	0
Program transferred to Navy		-3,044
176 INFORMATION SYSTEMS SECURITY PROGRAM	61,220	15,709
Army requested transfer to line 176a		-45,511
176a FAMILY OF BIOMETRICS	0	45,511
Army requested transfer from line 176		45,511
177 GLOBAL COMBAT SUPPORT SYSTEM	100,505	160,745
Army requested transfer for GCSSA from OP,A line 116		47,240
Army requested transfer for Army Enterprise System Integration from OP,A line 116		13,000
181 TACTICAL UNMANNED AERIAL VEHICLES	40,650	26,550
Tactical SIGINT Package contract award delays and change to acquisition strategy		-14,100
182 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	31,699
Requirements increase		-12,499
183 MQ-1 SKY WARRIOR A UAV	137,038	122,038
Excessive growth		-15,000

ARMY MODERNIZATION AND ACQUISITION

The conferees agree with the Army's steps to improve acquisition processes through implementation of the Decker-Wagner Army Acquisition Review findings as well as introducing other metrics and monthly reports to enable and strengthen senior civilian oversight across all Army modernization portfolios. The conferees believe continued acquisition improvement is only achievable with a strong, stable acquisition workforce and therefore urge the Secretary of the Army and the Secretary of Defense to guard against misguided efforts that shrink the acquisition workforce as was done in the 1990s with disastrous results. The conferees also believe that even with improvements in acquisition processes and a stable workforce, these steps alone will not ensure that the Army will achieve its modernization objectives.

After both the House and Senate Appropriations Committees completed their reviews of the fiscal year 2012 budget request, the Army provided additional information for its top-ten priority programs. Of these top-ten programs, six programs had undergone significant acquisition strategy modifications causing schedule and programmatic perturbations. As a result of these changes, the Army identified over $1,000,000,000 from its original fiscal year 2012 budget request as excess to its funding requirements in fiscal year 2012. Additionally, the Army notified the congressional defense committees of over $309,000,000 in excess funds from its budget request due to program terminations and requested transfers of over $282,000,000 among ten different programs. This magnitude of change in funding across a multitude of programs, identified after submitting the budget only ten months prior, indicates a pervasive instability in Army programs.

While the conferees recognize that ten years of continuous war can force out-of-cycle changes, the Army's acquisition challenges precede the post-September 11, 2001 war efforts. Since 1995, the Army has spent $32,000,000,000 on development of 22 programs that were eventually cancelled. The conferees believe this history of programmatic instability indicates a lack of focus and discipline in the requirements generation process that must be corrected before the Army will see any improvement in its ability to successfully modernize. Improvement must begin with clearly documented, stable, and affordable requirements. The conferees are aware that Army acquisition has taken on the responsibility of vetting each requirement for technical maturity and affordability prior to initiating a contract action, but the conferees are concerned that this is a short-term correction to a larger institutional problem with the requirements generation process.

Furthermore, while the conferees congratulate the Army on the success of the newly implemented Network Integration Evaluations, which ensure new equipment is interoperable, effective, and adds benefit to deployed troops, the process has revealed that a handful of programs would not be effective if deployed. The evaluations are causing the Army to reevaluate, restructure, and even terminate several programs that began years ago with established requirements. Thus, the conferees question the long-standing requirements process that serves as the foundation for Army modernization. Therefore, in addition to implementing changes identified in the Decker-Wagner Army Acquisition Review, the Secretary of the Army is encouraged to undertake a similar examination of the requirements generation process.

FUTURE COMBAT SYSTEMS' SYSTEM OF SYSTEMS ENGINEERING AND PROGRAM MANAGEMENT AND NETWORK INTEGRATION EVALUATION

The conference agreement provides $298,872,000 for the Future Combat Systems' System of Systems Engineering and Program Management, instead of $311,872,000 as proposed by the House and $283,872,000 as proposed by the Senate. The conferees note that this line now funds the Army's bi-annual Network Integration Evaluations (NIE). The conferees support the NIE and direct the Army to regularly update the congressional defense committees on the cost, schedule, scope, and methods for the tests and other associated reviews to be accomplished in the NIE, as well as outcomes and findings. Additionally, the conferees are aware of the savings the Army has achieved in Future Combat Systems termination costs and the lower costs projected for the fiscal year 2012 NIE. The conferees note that the continued use of the former ''Future Combat Systems'' terminology has become a counter-productive distraction and recommend updating program descriptions to improve communications among those who review and shape defense appropriations and to more accurately reflect the purpose for which appropriations are requested. The conferees believe that funding requirements for the NIE should be presented distinctly and separately in future budget submissions.

ACTIVE AND SEMI-ACTIVE VEHICLE SUSPENSION COMPONENTS

The conferees are aware that the Army has begun the testing and development of active and semi-active vehicle suspension components with regenerative capabilities. The conferees understand that this technology may improve vehicle fuel efficiency and reduce maintenance. Accordingly, the conferees encourage the Army to continue the testing and development of this technology and to fully explore the potential benefits for application across vehicle programs.

SUPPORT FOR BASE REALIGNMENT AND CLOSURE 2005 ACTIONS

The conferees support actions taken by the Army and the Defense Logistics Agency to fully fund the integration of their information technology systems in a timely manner to support the 2005 Base Realignment and Closure (BRAC) Commission's mandate to transfer re-procurement of depot level repairables. The conferees are aware that although the BRAC Commission determined the transfer has the potential to save millions of dollars, the Government Accountability Office has recently concluded that the savings are jeopardized by inadequate up-front funding for BRAC implementation. The conferees note that the Army's Tank and Automotive Research, Development, and Engineering Command (TARDEC) manages the repository of all ground vehicle technical data for the Army, and has built infrastructure for use by all Army programs to store weapons system technical information, drawings, and specifications. The conferees urge that the TARDEC use funds available for this effort to assist in meeting the 2005 BRAC recommendation for depot-level repairable transfer.

ARMORED MULTI-PURPOSE VEHICLE

The conferees recommend $14,300,000 for the Armored Multi-purpose Vehicle instead of $31,400,000 as proposed by the House and no funding as proposed by the Senate. The conferees note that the requirement to find a replacement for the M113 series of vehicles has received scant attention for too long. The conferees believe that prompt and decisive action is needed to select and advance a near-term solution rather than continuing a long-term search for the perfect solution. The conferees note that the recommendation fully funds the Analysis of Alternatives, as requested by the Army. Subsequently, after notification to the congressional defense committees, available funds may be applied to expedite the acquisition effort.

GROUND COMBAT VEHICLE

The conferees recommend $449,387,000 for the Ground Combat Vehicle, instead of $768,053,000 as proposed by the House and $240,387,000 as proposed by the Senate. The conferees have been informed of a change to the acquisition strategy and note that the recommendation fully funds this revised strategy.

ARMED SCOUT HELICOPTER

The conferees recommend no funding for technology development of the Armed Scout Helicopter (ASH), instead of $63,690,000 as proposed by the House and $4,761,000 as proposed by the Senate, because contrary to plans submitted with the fiscal year 2012 budget submission, the Army does not plan to award a technology development contract in fiscal year 2012. The conferees recommend $15,000,000 for a flight demonstration of ASH capabilities, as requested by the Army. The conferees understand that this flight demonstration will occur in the spring of 2012, and direct the Army to brief the congressional defense committees in detail on the outcome of this demonstration not later than 30 days after its completion.

JOINT LIGHT TACTICAL VEHICLE

The budget request includes $243,940,000 within Army and Marine Corps accounts for the development of the Joint Light Tactical Vehicle (JLTV). The JLTV program has undergone significant changes since its inception and the submission of the fiscal year 2012 budget request. The principal reason for the changes is the discovery that the plan to acquire multiple variants of a limited number of vehicles with demanding performance specifications would result in an unaffordable program for both the Army and Marine Corps. As a result, the program will now pursue a competitively-selected single vehicle with a less complex design on a significantly accelerated timeline.

The conferees are encouraged to see the Army and Marine Corps taking definitive action to change their approach in evaluating requirements, technology, key performance parameters, and costs as they apply to this acquisition program. Continuing on the nine year path of studies, development, and testing to field a lightweight tactical vehicle that will carry four passengers and 3,500 pounds of cargo onto the battlefield was unacceptable.

Recognizing the renewed focus and approach, the conference agreement provides $87,300,000 in Research, Development, Test and Evaluation, Army and $46,700,000 in Research, Development, Test and Evaluation, Navy for continued JLTV development, in accordance with revised estimates for the program. The conferees strongly encourage the Army and Marine Corps, in conjunction with the Under Secretary of Defense (Acquisition, Technology and Logistics), to examine the feasibility of accelerating a competition for production through more efficient testing and acquisition practices and by embracing off-the-shelf technology demonstrated by industry so that improved vehicles are delivered to the warfighter as soon as possible. Accordingly, the Army and Marine Corps are encouraged to acquire, test, and evaluate, as necessary, available off-the-shelf systems that meet the essential program requirements.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
	BASIC RESEARCH		
1	UNIVERSITY RESEARCH INITIATIVES	113,157	133,157
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,092	18,092
3	DEFENSE RESEARCH SCIENCES	446,123	454,123
	TOTAL, BASIC RESEARCH	577,372	605,372
	APPLIED RESEARCH		
4	POWER PROJECTION APPLIED RESEARCH	104,804	104,804
5	FORCE PROTECTION APPLIED RESEARCH	156,901	196,901
6	MARINE CORPS LANDING FORCE TECHNOLOGY	44,845	44,845
8	COMMON PICTURE APPLIED RESEARCH	65,448	65,448
9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	101,205	101,205
10	RF SYSTEMS APPLIED RESEARCH	108,329	108,329
11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	50,076	50,076
12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,937	5,937
13	UNDERSEA WARFARE APPLIED RESEARCH	108,666	108,666
14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	37,583	37,583
	TOTAL, APPLIED RESEARCH	783,794	823,794
	ADVANCED TECHNOLOGY DEVELOPMENT		
15	POWER PROJECTION ADVANCED TECHNOLOGY	114,270	114,270
16	FORCE PROTECTION ADVANCED TECHNOLOGY	64,057	45,234
17	COMMON PICTURE ADVANCED TECHNOLOGY	49,068	49,068
18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	71,232	71,232
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	102,535	122,535
20	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	124,324	124,324
21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,286	11,286
22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,119	56,819
23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	37,121	42,121
24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	50,157	50,157
25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	6,048	6,048
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	648,217	693,094

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	DEMONSTRATION & VALIDATION		
26	AIR/OCEAN TACTICAL APPLICATIONS	94,972	84,972
27	AVIATION SURVIVABILITY	10,893	10,893
28	DEPLOYABLE JOINT COMMAND AND CONTROL	3,702	3,702
29	AIRCRAFT SYSTEMS	10,497	10,497
30	ASW SYSTEMS DEVELOPMENT	7,915	7,915
31	TACTICAL AIRBORNE RECONNAISSANCE	5,978	5,978
32	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,418	1,418
33	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	142,657	127,757
34	SURFACE SHIP TORPEDO DEFENSE	118,764	118,764
35	CARRIER SYSTEMS DEVELOPMENT	54,072	54,072
37	PILOT FISH	96,012	96,012
38	RETRACT LARCH	73,421	73,421
39	RETRACT JUNIPER	130,267	130,267
40	RADIOLOGICAL CONTROL	1,338	1,338
41	SURFACE ASW	29,797	29,797
42	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	856,326	861,706
43	SUBMARINE TACTICAL WARFARE SYSTEMS	9,253	9,253
44	SHIP CONCEPT ADVANCED DESIGN	14,308	14,308
45	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	22,213	22,213
46	ADVANCED NUCLEAR POWER SYSTEMS	463,683	463,683
47	ADVANCED SURFACE MACHINERY SYSTEMS	18,249	18,249
48	CHALK EAGLE	584,159	584,159
49	LITTORAL COMBAT SHIP (LCS)	286,784	292,784
50	COMBAT SYSTEM INTEGRATION	34,157	34,157
51	CONVENTIONAL MUNITIONS	4,753	4,753
52	MARINE CORPS ASSAULT VEHICLES	12,000	37,000
53	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	79,858	54,981

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
54	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	33,654	33,654
55	COOPERATIVE ENGAGEMENT	54,783	54,783
56	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	9,996	9,996
57	ENVIRONMENTAL PROTECTION	21,714	21,714
58	NAVY ENERGY PROGRAM	70,538	70,538
59	FACILITIES IMPROVEMENT	3,754	3,754
60	CHALK CORAL	79,415	79,415
61	NAVY LOGISTIC PRODUCTIVITY	4,137	4,137
62	RETRACT MAPLE	276,383	276,383
63	LINK PLUMERIA	52,721	52,721
64	RETRACT ELM	160,964	150,964
66	LINK EVERGREEN	144,985	144,985
67	SPECIAL PROCESSES	43,704	43,704
68	NATO RESEARCH AND DEVELOPMENT	9,140	9,140
69	LAND ATTACK TECHNOLOGY	421	421
70	NONLETHAL WEAPONS	40,992	40,992
71	JOINT PRECISION APPROACH AND LANDING SYSTEMS	121,455	118,255
75	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	64,107	64,107
76	ASE SELF-PROTECTION OPTIMIZATION	711	711
77	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE	62,044	62,044
78	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	22,665	3,450
79	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	33,621	33,621
80	ASW SYSTEMS DEVELOPMENT - MIP	1,078	1,078
82	ELECTRONIC WARFARE DEVELOPMENT - MIP	625	625
	TOTAL, DEMONSTRATION & VALIDATION	4,481,053	4,435,241

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ENGINEERING & MANUFACTURING DEVELOPMENT		
83	OTHER HELO DEVELOPMENT	35,651	42,651
84	AV-8B AIRCRAFT - ENG DEV	30,676	30,676
85	STANDARDS DEVELOPMENT	51,191	49,491
86	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	17,673	17,673
87	AIR/OCEAN EQUIPMENT ENGINEERING	5,922	5,922
88	P-3 MODERNIZATION PROGRAM	3,417	3,417
89	WARFARE SUPPORT SYSTEM	9,944	9,944
90	TACTICAL COMMAND SYSTEM	81,257	77,257
91	ADVANCED HAWKEYE	110,994	130,994
92	H-1 UPGRADES	72,569	67,569
93	ACOUSTIC SEARCH SENSORS	56,509	48,898
94	V-22A	84,477	84,477
95	AIR CREW SYSTEMS DEVELOPMENT	3,249	3,249
96	EA-18	17,100	17,100
97	ELECTRONIC WARFARE DEVELOPMENT	89,418	89,418
98	VH-71A EXECUTIVE HELO DEVELOPMENT	180,070	60,770
99	NEXT GENERATION JAMMER (NGJ)	189,919	170,919
100	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	688,146	676,146
101	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	223,283	223,283
102	LPD-17 CLASS SYSTEMS INTEGRATION	884	884
103	SMALL DIAMETER BOMB (SDB)	47,635	29,635
104	STANDARD MISSILE IMPROVEMENTS	46,705	46,705
105	AIRBORNE MCM	41,142	41,142
106	NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG.	24,898	24,898
107	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM	121,150	75,700
108	ADVANCED ABOVE WATER SENSORS	227,358	247,358
109	SSN-688 AND TRIDENT MODERNIZATION	100,591	90,291
110	AIR CONTROL	5,521	5,521
111	SHIPBOARD AVIATION SYSTEMS	45,445	45,445

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
112	COMBAT INFORMATION CENTER CONVERSION	3,400	3,400
113	NEW DESIGN SSN	97,235	112,235
114	SUBMARINE TACTICAL WARFARE SYSTEM	48,466	48,466
115	SHIP CONTRACT DESIGN/LIVE FIRE T&E	161,099	121,099
116	NAVY TACTICAL COMPUTER RESOURCES	3,848	3,848
117	MINE DEVELOPMENT	3,933	3,933
118	LIGHTWEIGHT TORPEDO DEVELOPMENT	32,592	32,592
119	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	9,960	9,960
120	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	12,992	12,992
121	JOINT STANDOFF WEAPON SYSTEMS	7,506	7,506
122	SHIP SELF DEFENSE (DETECT & CONTROL)	71,222	71,222
123	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	6,631	6,631
124	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	184,095	184,095
125	INTELLIGENCE ENGINEERING	2,217	2,217
126	MEDICAL DEVELOPMENT	12,984	31,084
127	NAVIGATION/ID SYSTEM	50,178	39,378
128	JOINT STRIKE FIGHTER (JSF) - EMD	670,723	651,786
129	JOINT STRIKE FIGHTER (JSF)	677,486	658,549
130	INFORMATION TECHNOLOGY DEVELOPMENT	27,461	19,461
131	INFORMATION TECHNOLOGY DEVELOPMENT	58,764	29,764
132	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	55,050	55,050
133	CH-53K	629,461	624,461
135	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,395	108,395
136	MULTI-MISSION MARITIME AIRCRAFT (MMA)	622,713	618,713
138	DDG-1000	261,604	257,604
139	TACTICAL COMMAND SYSTEM - MIP	979	979
141	TACTICAL CRYPTOLOGIC SYSTEMS	31,740	31,740
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	6,475,528	6,164,593

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RDT&E MANAGEMENT SUPPORT		
142	THREAT SIMULATOR DEVELOPMENT	28,318	28,318
143	TARGET SYSTEMS DEVELOPMENT	44,700	44,700
144	MAJOR T&E INVESTMENT	37,957	37,957
145	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,970	2,970
146	STUDIES AND ANALYSIS SUPPORT - NAVY	23,454	17,454
147	CENTER FOR NAVAL ANALYSES	47,127	47,127
148	SMALL BUSINESS INNOVATIVE RESEARCH	10	10
149	TECHNICAL INFORMATION SERVICES	571	571
150	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	68,301	58,301
151	STRATEGIC TECHNICAL SUPPORT	3,277	3,277
152	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	73,917	73,917
153	RDT&E SHIP AND AIRCRAFT SUPPORT	136,531	136,531
154	TEST AND EVALUATION SUPPORT	335,367	335,367
155	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,634	16,634
156	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,228	4,228
157	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,642	7,642
158	MARINE CORPS PROGRAM WIDE SUPPORT	25,655	25,655
159	TACTICAL CRYPTOLOGIC ACTIVITIES	2,764	2,764
	TOTAL, RDT&E MANAGEMENT SUPPORT	859,423	843,423
	OPERATIONAL SYSTEMS DEVELOPMENT		
164	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT	198,298	198,298
165	MARINE CORPS COMBAT SERVICES SUPPORT	400	400
166	MARINE CORPS DATA SYSTEMS	1,650	1,650
167	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	88,873	88,873
168	SSBN SECURITY TECHNOLOGY PROGRAM	33,553	33,553
169	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,360	6,360
170	NAVY STRATEGIC COMMUNICATIONS	23,208	23,208
171	RAPID TECHNOLOGY TRANSITION (RTT)	30,021	30,021
172	F/A-18 SQUADRONS	151,030	145,161
173	E-2 SQUADRONS	6,696	6,696
174	FLEET TELECOMMUNICATIONS (TACTICAL)	1,739	1,739
175	SURFACE SUPPORT	3,377	3,377

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
176	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	8,819	8,819
177	INTEGRATED SURVEILLANCE SYSTEM	21,259	21,259
178	AMPHIBIOUS TACTICAL SUPPORT UNITS	5,214	5,214
179	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	42,244	42,244
180	CRYPTOLOGIC DIRECT SUPPORT	1,447	1,447
181	ELECTRONIC WARFARE (EW) READINESS SUPPORT	18,142	18,142
182	HARM IMPROVEMENT	11,147	11,147
183	TACTICAL DATA LINKS	69,224	69,224
184	SURFACE ASW COMBAT SYSTEM INTEGRATION	22,010	29,510
185	MK-48 ADCAP	39,288	46,788
186	AVIATION IMPROVEMENTS	123,012	100,423
187	NAVY SCIENCE ASSISTANCE PROGRAM	1,957	1,957
188	OPERATIONAL NUCLEAR POWER SYSTEMS	82,705	82,705
189	MARINE CORPS COMMUNICATIONS SYSTEMS	320,864	320,864
190	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	209,396	159,396
191	MARINE CORPS COMBAT SERVICES SUPPORT	45,172	27,072
192	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	14,101	14,101
193	TACTICAL AIM MISSILES	8,765	8,765
194	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,913	2,913
195	JOINT HIGH SPEED VESSEL (JHSV)	4,108	4,108
200	SATELLITE COMMUNICATIONS (SPACE)	263,712	263,712
201	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES	12,906	24,906
202	INFORMATION SYSTEMS SECURITY PROGRAM	25,229	37,229
203	WWMCCS/Global Command and Control System	1,250	1,250
204	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (MIP)	6,602	6,602
206	COBRA JUDY	40,605	40,605
207	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	904	904
208	JOINT MILITARY INTELLIGENCE PROGRAMS	4,099	4,099
209	TACTICAL UNMANNED AERIAL VEHICLES	9,353	9,353
210	AIRBORNE RECONNAISSANCE SYSTEMS	---	20,000

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
212	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	23,785	23,785
213	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	25,487	25,487
214	RQ-4 UAV	548,482	548,482
215	MQ-8 UAV	108,248	108,248
216	RQ-11 UAV	979	979
217	RQ-7 UAV	872	872
219	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	22,698	21,398
220	MEDIUM RANGE MARITIME UAS	15,000	15,000
221	RQ-21A	26,301	24,201
223	MODELING AND SIMULATION SUPPORT	8,292	8,292
224	DEPOT MAINTENANCE (NON-IF)	21,609	21,609
226	INDUSTRIAL PREPAREDNESS	54,031	54,031
227	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	2,822,436	2,781,478
999	CLASSIFIED PROGRAMS	1,308,608	1,406,945
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	17,956,431	17,753,940

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	Conference
1	**UNIVERSITY RESEARCH INITIATIVES**	**113,157**	**133,157**
	Program increase - Competitive based university research program		20,000
3	**DEFENSE RESEARCH SCIENCES**	**446,123**	**454,123**
	Nanotechnology research		8,000
5	**FORCE PROTECTION APPLIED RESEARCH**	**156,901**	**196,901**
	Alternative Energy		40,000
16	**FORCE PROTECTION ADVANCED TECHNOLOGY**	**64,057**	**45,234**
	Excess MRMUAS funding		-18,823
19	**ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLO(**	**102,535**	**122,535**
	Advanced Radar Innovation Fund		20,000
22	**WARFIGHTER PROTECTION ADVANCED TECHNOLOGY**	**18,119**	**56,819**
	Program increase - Bone Marrow Registry Program		31,500
	Program increase - Tactical Athlete Program		7,200
23	**UNDERSEA WARFARE ADVANCED TECHNOLOGY**	**37,121**	**42,121**
	Program increase - ASW research		5,000
26	**AIR/OCEAN TACTICAL APPLICATIONS**	**94,972**	**84,972**
	JMAPS program delay		-10,000
33	**SURFACE AND SHALLOW WATER MINE COUNTERMEAS**	**142,657**	**127,757**
	UUV program delay		-6,000
	Program execution		-8,900
42	**ADVANCED SUBMARINE SYSTEM DEVELOPMENT**	**856,326**	**861,706**
	Navy requested transfer from line 109 for submarine battery development		5,380
49	**LITTORAL COMBAT SHIP (LCS)**	**286,784**	**292,784**
	Program increase - Small business technology insertion (mission modules)		10,000
	Defer development of Irregular Warfare mission package		-4,000
52	**MARINE CORPS ASSAULT VEHICLES**	**12,000**	**37,000**
	Marine Corps requested transfer from line 190		25,000
53	**MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM**	**79,858**	**54,981**
	JLTV restructure		-24,877
64	**RETRACT ELM**	**160,964**	**150,964**
	Classified adjustment		-10,000
71	**JOINT PRECISION APPROACH AND LANDING SYSTEMS**	**121,455**	**118,255**
	Excess management services funding		-3,200
78	**PRECISION STRIKE WEAPONS DEVELOPMENT PROGRA**	**22,665**	**3,450**
	Excess support funding		-1,000
	FMU-164 fuze program termination		-18,215

R-1		Budget Request	Conference
83	**OTHER HELO DEVELOPMENT**	**35,651**	**42,651**
	Navy requested transfer from line 98 for VH-3/VH-60 sustainment		7,000
85	**STANDARDS DEVELOPMENT**	**51,191**	**49,491**
	Collision avoidance safety program delay		-1,700
90	**TACTICAL COMMAND SYSTEM**	**81,257**	**77,257**
	NTCSS - reduce program growth		-4,000
91	**ADVANCED HAWKEYE**	**110,994**	**130,994**
	Advanced Radar Innovation Fund		20,000
92	**H-1 UPGRADES**	**72,569**	**67,569**
	Development support funding growth		-5,000
93	**ACOUSTIC SEARCH SENSORS**	**56,509**	**48,898**
	Management services funding growth		-6,000
	High Altitude ASW program delay		-1,611
98	**VH-71A EXECUTIVE HELO DEVELOPMENT**	**180,070**	**60,770**
	Navy requested transfer to line 83		-7,000
	Navy requested transfer to AP,N line 47		-24,000
	Navy requested transfer to AP,N line 62		-12,000
	Early to need		-76,300
99	**NEXT GENERATION JAMMER (NGJ)**	**189,919**	**170,919**
	Technology development late contract award		-19,000
100	**JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)**	**688,146**	**676,146**
	Management services funding growth		-3,000
	Transfer from OP,A line 39 for GMR correction of deficiencies		51,000
	HMS capability enhancements unjustified request		-60,000
103	**SMALL DIAMETER BOMB (SDB)**	**47,635**	**29,635**
	Defer integration on Joint Strike Fighter		-18,000
107	**FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM**	**121,150**	**75,700**
	Delay to Technology Development contract award		-45,450
108	**ADVANCED ABOVE WATER SENSORS**	**227,358**	**247,358**
	Advanced Radar Innovation Fund		20,000
109	**SSN-688 AND TRIDENT MODERNIZATION**	**100,591**	**90,291**
	TB-33 program cancellation		-4,920
	Navy requested transfer to line 42 for submarine battery development		-5,380
113	**NEW DESIGN SSN**	**97,235**	**112,235**
	Program increase - Small business technology insertion		15,000

R-1	Budget Request	Conference
115 SHIP CONTRACT DESIGN/LIVE FIRE T&E	**161,099**	**121,099**
Ship to shore connector program delay		-40,000
126 MEDICAL DEVELOPMENT	**12,984**	**31,084**
Program increase - wound care research		13,000
Program increase - military dental research		5,100
127 NAVIGATION/ID SYSTEM	**50,178**	**39,378**
Mode 5 program delay		-10,800
128 JOINT STRIKE FIGHTER (JSF) - EMD	**670,723**	**651,786**
Block IV development ahead of need		-18,937
129 JOINT STRIKE FIGHTER (JSF)	**677,486**	**658,549**
Block IV development ahead of need		-18,937
130 INFORMATION TECHNOLOGY DEVELOPMENT	**27,461**	**19,461**
Program underexecution		-8,000
131 INFORMATION TECHNOLOGY DEVELOPMENT	**58,764**	**29,764**
Reduction to fourth quarter contract awards		-29,000
133 CH-53K	**629,461**	**624,461**
Management services funding growth		-5,000
135 JOINT AIR-TO-GROUND MISSILE (JAGM)	**118,395**	**108,395**
Program delay		-10,000
136 MULTI-MISSION MARITIME AIRCRAFT (MMA)	**622,713**	**618,713**
Program increase - Small business technology insertion		10,000
Increment 3 - development ahead of need		-14,000
138 DDG-1000	**261,604**	**257,604**
Government technical services growth		-4,000
146 STUDIES AND ANALYSIS SUPPORT - NAVY	**23,454**	**17,454**
Reduction to growth		-6,000
150 MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPO	**68,301**	**58,301**
OASUW - defer new start		-10,000
172 F/A-18 SQUADRONS	**151,030**	**145,161**
Radar upgrade program delay		-5,869
184 SURFACE ASW COMBAT SYSTEM INTEGRATION	**22,010**	**29,510**
Program increase - Small business technology insertion		7,500
185 MK-48 ADCAP	**39,288**	**46,788**
Program increase - Small business technology insertion		7,500
186 AVIATION IMPROVEMENTS	**123,012**	**100,423**
Multi purpose bomb rack program termination		-22,589
190 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS	**209,396**	**159,396**
Marine Corps requested transfer to line 52		-25,000
AAV upgrade program excess to need		-10,000
Marine Personnel Carrier ahead of need		-15,000

R-1		Budget Request	Conference
191	**MARINE CORPS COMBAT SERVICES SUPPORT**	**45,172**	**27,072**
	Program execution		-18,100
201	**CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES**	**12,906**	**24,906**
	Navy requested transfer from OP,N line 68		12,000
202	**INFORMATION SYSTEMS SECURITY PROGRAM**	**25,229**	**37,229**
	Cyber Security Research		12,000
210	**AIRBORNE RECONNAISSANCE SYSTEMS**	**0**	**20,000**
	Combat Dragon II demonstration		20,000
219	**SMALL (LEVEL 0) TACTICAL UAS (STUASL0)**	**22,698**	**21,398**
	Excess support funding		-1,300
221	**RQ-21A**	**26,301**	**24,201**
	Program delays		-2,100
999	**CLASSIFIED PROGRAMS**	**1,308,608**	**1,406,945**
	Classified adjustment		98,337

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
	BASIC RESEARCH		
1	DEFENSE RESEARCH SCIENCES	364,328	364,328
2	UNIVERSITY RESEARCH INITIATIVES	140,273	152,273
3	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
	TOTAL, BASIC RESEARCH	518,859	530,859
	APPLIED RESEARCH		
4	MATERIALS	136,230	144,230
5	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
6	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	86,663
7	AEROSPACE PROPULSION	207,508	207,508
8	AEROSPACE SENSORS	134,787	134,787
9	SPACE TECHNOLOGY	115,285	115,285
10	CONVENTIONAL MUNITIONS	60,692	60,692
11	DIRECTED ENERGY TECHNOLOGY	111,156	141,156
12	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
13	HIGH ENERGY LASER RESEARCH	54,059	54,059
	TOTAL, APPLIED RESEARCH	1,181,874	1,219,874
	ADVANCED TECHNOLOGY DEVELOPMENT		
14	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	60,738
15	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
16	ADVANCED AEROSPACE SENSORS	53,075	63,075
17	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
18	AEROSPACE PROPULSION AND POWER TECHNOLOGY	120,953	120,953
19	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
20	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
21	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
22	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
23	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	45,542
24	ADVANCED WEAPONS TECHNOLOGY	28,683	48,683
25	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
26	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION	38,656	38,656

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
27	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	585,404	627,904
	ADVANCED COMPONENT DEVELOPMENT		
28	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
29	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
31	ADVANCED EHF MILSATCOM (SPACE)	421,687	401,687
32	POLAR MILSATCOM (SPACE)	122,991	102,991
33	SPACE CONTROL TECHNOLOGY	45,755	45,755
34	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
35	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
36	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
37	SPACE PROTECTION PROGRAM (SPP)	9,819	7,319
38	INTEGRATED BROADCAST SERVICE	20,046	20,046
39	INTERCONTINENTAL BALLISTIC MISSILE	67,202	69,702
40	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	12,804	12,804
41	POLLUTION PREVENTION (DEM/VAL)	2,075	2,075
42	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
43	NEXT GENERATION BOMBER	197,023	297,023
44	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	31,250
45	TECHNOLOGY TRANSFER	2,553	2,553
46	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM	38,248	33,248
47	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
48	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
50	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
53	OPERATIONALLY RESPONSIVE SPACE	86,543	111,543
54	TECH TRANSITION PROGRAM	2,773	2,773
55	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT.	444,900	43,000
55A	WEATHER SATELLITE FOLLOW-ON	---	125,000
	TOTAL, ADVANCED COMPONENT DEVELOPMENT	1,684,385	1,458,485

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ENGINEERING & MANUFACTURING DEVELOPMENT		
56	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
57	NUCLEAR WEAPONS SUPPORT	18,538	18,538
58	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
59	ELECTRONIC WARFARE DEVELOPMENT	26,880	16,880
61	TACTICAL DATA NETWORKS ENTERPRISE	52,355	48,105
62	PHYSICAL SECURITY EQUIPMENT	51	51
63	SMALL DIAMETER BOMB (SDB)	132,891	132,891
64	COUNTERSPACE SYSTEMS	31,913	31,913
65	SPACE SITUATION AWARENESS SYSTEMS	273,689	241,089
66	AIRBORNE ELECTRONIC ATTACK	47,100	41,000
67	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	621,629
69	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	7,755
70	SUBMUNITIONS	2,427	2,427
71	AGILE COMBAT SUPPORT	11,878	7,978
73	LIFE SUPPORT SYSTEMS	11,280	9,280
74	COMBAT TRAINING RANGES	28,106	8,106
75	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
76	INTELLIGENCE EQUIPMENT	995	995
77	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,387,926
78	INTERCONTINENTAL BALLISTIC MISSILE	158,477	148,477
79	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	15,028
80	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	877,084
81	CSAR HH-60 RECAPITALIZATION	94,113	11,113
83	HC/MC-130 RECAP RDT&E	27,071	22,071
85	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
86	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	13,721
88	FULL COMBAT MISSION TRAINING	39,826	29,826
89	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
90	CV-22	20,723	13,223
91	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	---
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,079,717	3,855,532

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RDT&E MANAGEMENT SUPPORT		
92	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
93	MAJOR T&E INVESTMENT	62,206	62,206
94	RAND PROJECT AIR FORCE	27,579	27,579
96	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
97	TEST AND EVALUATION SUPPORT	654,475	704,475
98	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	158,096
99	SPACE TEST PROGRAM (STP)	47,926	47,926
100	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	44,547	44,547
101	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	27,953	27,953
102	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	GENERAL SKILL TRAINING	1,510	1,510
106	INTERNATIONAL ACTIVITIES	3,798	3,798
	TOTAL, RDT&E MANAGEMENT SUPPORT	1,114,196	1,164,196
	OPERATIONAL SYSTEMS DEVELOPMENT		
107	GPS III - OPERATIONAL CONTROL SEGMENT	390,889	366,889
108	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	91,866	91,866
110	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	B-52 SQUADRONS	133,261	93,996
113	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	B-1B SQUADRONS	33,011	33,011
115	B-2 SQUADRONS	340,819	280,319
116	STRAT WAR PLANNING SYSTEM - USSTRATCOM	23,072	23,072
117	NIGHT FIST - USSTRATCOM	5,421	2,000
119	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	---
120	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	12,672	6,672
121	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	19,934	19,934
123	MQ-9 UAV	146,824	126,824
125	A-10 SQUADRONS	11,051	11,051
126	F-16 SQUADRONS	143,869	131,069

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
127	F-15E SQUADRONS	207,531	194,831
128	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	F-22 SQUADRONS	718,432	571,432
130	F-35 SQUADRONS	47,841	9,967
131	TACTICAL AIM MISSILES	8,023	8,023
132	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436
134	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	COMBAT RESCUE - PARARESCUE	927	927
136	AF TENCAP	20,727	20,727
137	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	COMPASS CALL	18,509	18,509
139	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	172,967
141	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	AIR AND SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	118,661
145	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
148	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	TACTICAL AIR CONTROL PARTY--MOD	15,978	9,678
152	C2ISR TACTICAL DATA LINK	1,536	1,536
153	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	121,610	74,610
155	SEEK EAGLE	18,599	18,599
156	USAF MODELING AND SIMULATION	23,091	23,091
157	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
159	MISSION PLANNING SYSTEMS	69,918	63,418
160	INFORMATION WARFARE SUPPORT	2,322	2,322
161	CYBER COMMAND ACTIVITIES	702	702
168	SPACE SUPERIORITY INTELLIGENCE	11,866	8,866

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
169	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	4,845
170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	43,811	43,811
171	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
172	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
175	MILSATCOM TERMINALS	238,729	196,729
175A	FAB-T ALTERNATIVE	---	42,000
177	AIRBORNE SIGINT ENTERPRISE	121,748	108,248
180	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	CYBER SECURITY INITIATIVE	2,026	2,026
182	DOD CYBER CRIME CENTER	282	282
183	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	WEATHER SERVICE	31,084	31,084
185	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)	63,367	21,367
186	AERIAL TARGETS	50,620	45,620
189	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
192	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	133,601	133,601
193	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	17,893	17,893
195	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	188,754
196	SPACE WARFARE CENTER	2,961	2,961
197	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	1,271	1,271
200	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	45,925
201	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	103,877
202	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	85,724
204	PREDATOR UAV (JMIP)	14,112	11,642
205	RQ-4 UAV	423,462	423,462
206	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	7,348	7,348
207	GPS III SPACE SEGMENT	463,081	458,081
208	JSPOC MISSION SYSTEM	118,950	81,450

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
209	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736
210	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
212	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP	23,931	23,931
214	SHARED EARLY WARNING (SEW)	1,663	1,663
215	C-130 AIRLIFT SQUADRON	24,509	6,509
216	C-5 AIRLIFT SQUADRONS	24,941	12,941
217	C-17 AIRCRAFT	128,169	94,269
218	C-130J PROGRAM	39,537	39,537
219	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	LIGHT MOBILITY AIRCRAFT (LiMA)	1,308	---
221	KC-135S	6,161	6,161
222	KC-10S	30,868	30,868
223	OPERATIONAL SUPPORT AIRLIFT	82,591	42,591
225	SPECIAL TACTICS / COMBAT CONTROL	7,118	5,218
226	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
228	LOGISTICS SUPPORT ACTIVITIES	944	944
229	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	SUPPORT SYSTEMS DEVELOPMENT	10,990	50,990
232	OTHER FLIGHT TRAINING	322	322
233	JOINT NATIONAL TRAINING CENTER	11	11
235	OTHER PERSONNEL ACTIVITIES	113	113
236	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	PERSONNEL ADMINISTRATION	8,041	1,041
239	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	FACILITIES OPERATION--ADMINISTRATION	12,118	12,118
241	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	76,317
242	MANAGEMENT HQ--ADP SUPPORT (AF)	299	299
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	6,510,126	5,768,203
	CLASSIFIED PROGRAMS	12,063,140	11,910,943
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	27,737,701	26,535,996

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

R-1		Budget Request	Conference
2	**UNIVERSITY RESEARCH INITIATIVES**	**140,273**	**152,273**
	Cyber Security research		12,000
4	**MATERIALS**	**136,230**	**144,230**
	Nanotechnology research		8,000
11	**DIRECTED ENERGY TECHNOLOGY**	**111,156**	**141,156**
	Space Situational Awareness		30,000
14	**ADVANCED MATERIALS FOR WEAPONS SYSTEMS**	**39,738**	**60,738**
	Silicon Carbide research		12,500
	Advanced Materials research		8,500
16	**ADVANCED AEROSPACE SENSORS**	**53,075**	**63,075**
	Program increase		10,000
23	**CONVENTIONAL WEAPONS TECHNOLOGY**	**54,042**	**45,542**
	High Velocity Penetrating Weapon - ahead of need		-8,500
24	**ADVANCED WEAPONS TECHNOLOGY**	**28,683**	**48,683**
	Space Situational Awareness		20,000
31	**ADVANCED EHF MILSATCOM (SPACE)**	**421,687**	**401,687**
	Excess to need - poor justification		-20,000
32	**POLAR MILSATCOM (SPACE)**	**122,991**	**102,991**
	Development schedule delay		-20,000
37	**SPACE PROTECTION PROGRAM (SPP)**	**9,819**	**7,319**
	Excess to need		-2,500
39	**ICBM - DEM/VAL**	**67,202**	**69,702**
	Program increase		2,500
43	**NEXT GENERATION BOMBER**	**197,023**	**297,023**
	Program increase		100,000
44	**BMC2 SENSOR DEVELOPMENT**	**60,250**	**31,250**
	3DELRR contract delays		-29,000
46	**HARD & DEEPLY BURIED TARGET DEFEAT SYSTEM**	**38,248**	**33,248**
	Program reduction		-5,000
53	**OPERATIONALLY RESPONSIVE SPACE**	**86,543**	**111,543**
	Responsive Launch		25,000
55	**NATIONAL POLAR-ORBITING OP ENV SATELLITE**	**444,900**	**43,000**
	DWSS program termination		-444,900
	Termination liability		43,000
55A	**WEATHER SATELLITE FOLLOW-ON**	**0**	**125,000**
	Weather Satellite Follow-on Activities		125,000

R-1		Budget Request	Conference
59	**ELECTRONIC WARFARE DEVELOPMENT**	**26,880**	**16,880**
	MALD-J Increment 2 - Technology Development contract delay		-10,000
61	**TACTICAL DATA NETWORKS ENTERPRISE**	**52,355**	**48,105**
	STRATCOM DNC2 contract delays		-3,000
	CLIP - contract delays		-1,250
65	**SPACE SITUATION AWARENESS SYSTEMS**	**273,689**	**241,089**
	Space Fence - poor justification		-20,000
	Space Based Space Surveillance excess to need		-12,600
66	**AIRBORNE ELECTRONIC ATTACK**	**47,100**	**41,000**
	Electronic Attack Pod delayed start		-3,500
	AEA SoS contract delays		-2,600
69	**ARMAMENT/ORDNANCE DEVELOPMENT**	**10,055**	**7,755**
	Universal Armament Interface contract delay		-2,300
71	**AGILE COMBAT SUPPORT**	**11,878**	**7,978**
	BEAR - ahead of need		-3,900
73	**LIFE SUPPORT SYSTEMS**	**11,280**	**9,280**
	Integrated Aircrew Ensemble contract award delays		-2,000
74	**COMBAT TRAINING RANGES**	**28,106**	**8,106**
	Joint Threat Emitter Increment 2 - rephased program		-12,000
	Air Combat Training Systems (P5) Upgrades - contract delay		-8,000
78	**ICBM - EMD**	**158,477**	**148,477**
	Support Equipment - contract savings		-10,000
79	**EVOLVED EXPENDABLE LAUNCH VEHICLE EMD**	**20,028**	**15,028**
	Program underexecution due to schedule delay		-5,000
81	**CSAR HH-60 RECAPITALIZATION**	**94,113**	**11,113**
	Excess to need - Air Force requested transfer to AP, AF lines 63 and 73		-83,000
83	**HC/MC-130 RECAP**	**27,071**	**22,071**
	Contract savings		-5,000
86	**LAAR SQUADRONS**	**23,721**	**13,721**
	Program reduction		-10,000
88	**FULL COMBAT MISSION TRAINING**	**39,826**	**29,826**
	Block 40/50 Mission Training Center excess to need		-10,000
90	**CV-22**	**20,723**	**13,223**
	Slow execution/ contract delay		-7,500
91	**AIRBORNE SENIOR LEADER C3 (SLC3S)**	**12,535**	**0**
	Program termination		-12,535
97	**TEST AND EVALUATION (T&E) SUPPORT**	**654,475**	**704,475**
	Program increase		50,000

R-1	Budget Request	Conference
107 GPS III - OPERATIONAL CONTROL SEGMENT	390,889	366,889
Directorate support - reduction to growth		-24,000
112 B-52 SQUADRONS	133,261	93,996
SR2 excess to requirement		-11,265
EHF contract delays		-13,000
1760 IWBU contract delays		-10,000
IFF Mode S/5 Development contract delays		-5,000
115 B-2 SQUADRONS	340,819	280,319
Mixed loads capability		22,000
EHF Increment 2 contract delay		-82,500
117 NIGHT FIST - USSTRATCOM	5,421	2,000
Program reduction		-3,421
119 ATMOSPHERIC EARLY WARNING SYSTEM	4,485	0
Unjustified request		-4,485
120 REGION/SECTOR OP CONTROL CENTER MODERNIZATION	12,672	6,672
BCS-F excess to requirement		-6,000
123 MQ-9 DEVELOPMENT AND FIELDING	146,824	126,824
Ka Migration contract delays		-14,000
SAR contract delays		-1,000
EO/IR Sensor Development contract delays		-5,000
126 F-16 SQUADRONS	143,869	131,069
SLEP contract delay		-12,800
127 F-15E SQUADRONS	207,531	194,831
ADCP excess to requirement		-12,700
129 F-22 SQUADRONS	718,432	571,432
Reduce program growth		-147,000
130 F-35 SQUADRONS	47,841	9,967
Block 4 development early to need		-37,874
139 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM (CIP)	182,967	172,967
Excess to requirement		-10,000
144 AWACS	135,961	118,661
Poor program execution		-17,300
146 ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
JTRS Integration and Engineering Support schedule delays		-5,200
Common Processing Environment schedule delays		-40,000
150 TACTICAL AIR CONTROL PARTY-MOD	15,978	9,678
VCS - Program termination and restructure		-4,300
JETS contract delays		-2,000

R-1	Budget Request	Conference
154 JOINT STARS	121,610	74,610
PME-DMS contract delays		-14,000
Unjustified request based on program restructure		-33,000
158 DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
Unjustified growth		-2,000
159 MISSION PLANNING SYSTEMS	69,918	63,418
CAF Increment IV critical change delay		-6,500
168 SPACE SUPERIORITY INTELLIGENCE	11,866	8,866
Program underexecution due to schedule delays		-3,000
169 E-4B NATIONAL AIRBORNE OPERATIONS CENTER	5,845	4,845
Secure, Survivable Communications delayed program start		-1,000
171 INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
Crypto Mod program delays		-9,000
175 MILSATCOM TERMINALS	238,729	196,729
Transfer to line 175a		-42,000
175a FAB-T ALTERNATIVE	0	42,000
FAB-T alternative		42,000
177 AIRBORNE SIGINT ENTERPRISE (JMIP)	121,748	108,248
ASIP 2C contract delays		-12,000
RQ-4 program delays		-1,500
185 AIR TRAFFIC CONTROL/APPROACH/LANDING SYSTEM (ATCALS)	63,367	21,367
D-RAPCON test articles early to need		-42,000
186 AERIAL TARGETS	50,620	45,620
QF-16 excess to need		-5,000
195 SPACE AND MISSILE T&E CENTER	196,254	188,754
Excess to need		-7,500
200 ENDURANCE UAVS	52,425	45,925
Funded in PA 11-14 prior approval reprogramming		-6,500
201 AIRBORNE RECONNAISSANCE SYSTEMS	106,877	103,877
Broad Area Surveillance Sensors - terminate program and transfer content to Imagery and Targeting Support for WAMI		-18,200
Imagery and Targeting Support		15,200
203 DISTRIBUTED COMMON GROUND SYSTEM	90,724	85,724
Contract delays due to program reprioritization		-5,000
204 MQ-1 PREDATOR DEVELOPMENT/FIELDING	14,112	11,642
Common Sensor Payload ahead of need		-2,470
207 GPS III SPACE SEGMENT	463,081	458,081
GPS III CIP - poor justification		-5,000

R-1	Budget Request	Conference
208 JSPOC MISSION SYSTEM	**118,950**	**81,450**
Excess to need		-37,500
215 C-130 AIRLIFT SQUADRONS	**24,509**	**6,509**
Contract delays		-18,000
216 C-5 AIRLIFT SQUADRONS	**24,941**	**12,941**
RERP Program rephased		-12,000
217 C-17 AIRCRAFT	**128,169**	**94,269**
Contract delays		-33,900
220 LIGHT MOBILITY AIRCRAFT (LIMA)	**1,308**	**0**
Funded in fiscal year 2011		-1,308
223 OPERATIONAL SUPPORT AIRLIFT	**82,591**	**42,591**
VC-25A funding ahead of need		-40,000
225 SPECIAL TACTICS/COMBAT CONTROL	**7,118**	**5,218**
Line of Sight contract delay		-1,900
230 SUPPORT SYSTEMS DEVELOPMENT	**10,990**	**50,990**
Alternative Energy research		40,000
238 PERSONNEL ADMINISTRATION	**8,041**	**1,041**
Contract delays		-7,000
241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS	**101,317**	**76,317**
DEAMS excess to requirement		-25,000
999 CLASSIFIED PROGRAMS	**12,063,140**	**11,910,943**
Classified adjustment		-152,197

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
	BASIC RESEARCH		
1	DEFENSE RESEARCH SCIENCES	364,328	364,328
2	UNIVERSITY RESEARCH INITIATIVES	140,273	152,273
3	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
	TOTAL, BASIC RESEARCH	518,859	530,859
	APPLIED RESEARCH		
4	MATERIALS	136,230	144,230
5	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
6	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	86,663
7	AEROSPACE PROPULSION	207,508	207,508
8	AEROSPACE SENSORS	134,787	134,787
9	SPACE TECHNOLOGY	115,285	115,285
10	CONVENTIONAL MUNITIONS	60,692	60,692
11	DIRECTED ENERGY TECHNOLOGY	111,156	141,156
12	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
13	HIGH ENERGY LASER RESEARCH	54,059	54,059
	TOTAL, APPLIED RESEARCH	1,181,874	1,219,874
	ADVANCED TECHNOLOGY DEVELOPMENT		
14	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	60,738
15	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
16	ADVANCED AEROSPACE SENSORS	53,075	63,075
17	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
18	AEROSPACE PROPULSION AND POWER TECHNOLOGY	120,953	120,953
19	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
20	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
21	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
22	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
23	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	45,542
24	ADVANCED WEAPONS TECHNOLOGY	28,683	48,683
25	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
26	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION	38,656	38,656

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
27	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	585,404	627,904
	ADVANCED COMPONENT DEVELOPMENT		
28	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
29	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
31	ADVANCED EHF MILSATCOM (SPACE)	421,687	401,687
32	POLAR MILSATCOM (SPACE)	122,991	102,991
33	SPACE CONTROL TECHNOLOGY	45,755	45,755
34	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
35	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
36	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
37	SPACE PROTECTION PROGRAM (SPP)	9,819	7,319
38	INTEGRATED BROADCAST SERVICE	20,046	20,046
39	INTERCONTINENTAL BALLISTIC MISSILE	67,202	69,702
40	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	12,804	12,804
41	POLLUTION PREVENTION (DEM/VAL)	2,075	2,075
42	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
43	NEXT GENERATION BOMBER	197,023	297,023
44	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	31,250
45	TECHNOLOGY TRANSFER	2,553	2,553
46	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM	38,248	33,248
47	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
48	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
50	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
53	OPERATIONALLY RESPONSIVE SPACE	86,543	111,543
54	TECH TRANSITION PROGRAM	2,773	2,773
55	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT.	444,900	43,000
55A	WEATHER SATELLITE FOLLOW-ON	---	125,000
	TOTAL, ADVANCED COMPONENT DEVELOPMENT	1,684,385	1,458,485

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ENGINEERING & MANUFACTURING DEVELOPMENT		
56	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
57	NUCLEAR WEAPONS SUPPORT	18,538	18,538
58	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
59	ELECTRONIC WARFARE DEVELOPMENT	26,880	16,880
61	TACTICAL DATA NETWORKS ENTERPRISE	52,355	48,105
62	PHYSICAL SECURITY EQUIPMENT	51	51
63	SMALL DIAMETER BOMB (SDB)	132,891	132,891
64	COUNTERSPACE SYSTEMS	31,913	31,913
65	SPACE SITUATION AWARENESS SYSTEMS	273,689	241,089
66	AIRBORNE ELECTRONIC ATTACK	47,100	41,000
67	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	621,629
69	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	7,755
70	SUBMUNITIONS	2,427	2,427
71	AGILE COMBAT SUPPORT	11,878	7,978
73	LIFE SUPPORT SYSTEMS	11,280	9,280
74	COMBAT TRAINING RANGES	28,106	8,106
75	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
76	INTELLIGENCE EQUIPMENT	995	995
77	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,387,926
78	INTERCONTINENTAL BALLISTIC MISSILE	158,477	148,477
79	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	15,028
80	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	877,084
81	CSAR HH-60 RECAPITALIZATION	94,113	11,113
83	HC/MC-130 RECAP RDT&E	27,071	22,071
85	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
86	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	13,721
88	FULL COMBAT MISSION TRAINING	39,826	29,826
89	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
90	CV-22	20,723	13,223
91	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	---
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,079,717	3,855,532

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RDT&E MANAGEMENT SUPPORT		
92	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
93	MAJOR T&E INVESTMENT	62,206	62,206
94	RAND PROJECT AIR FORCE	27,579	27,579
96	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
97	TEST AND EVALUATION SUPPORT	654,475	704,475
98	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	158,096
99	SPACE TEST PROGRAM (STP)	47,926	47,926
100	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	44,547	44,547
101	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	27,953	27,953
102	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	GENERAL SKILL TRAINING	1,510	1,510
106	INTERNATIONAL ACTIVITIES	3,798	3,798
	TOTAL, RDT&E MANAGEMENT SUPPORT	1,114,196	1,164,196
	OPERATIONAL SYSTEMS DEVELOPMENT		
107	GPS III - OPERATIONAL CONTROL SEGMENT	390,889	366,889
108	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	91,866	91,866
110	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	B-52 SQUADRONS	133,261	93,996
113	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	B-1B SQUADRONS	33,011	33,011
115	B-2 SQUADRONS	340,819	280,319
116	STRAT WAR PLANNING SYSTEM - USSTRATCOM	23,072	23,072
117	NIGHT FIST - USSTRATCOM	5,421	2,000
119	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	---
120	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	12,672	6,672
121	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	19,934	19,934
123	MQ-9 UAV	146,824	126,824
125	A-10 SQUADRONS	11,051	11,051
126	F-16 SQUADRONS	143,869	131,069

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
127	F-15E SQUADRONS	207,531	194,831
128	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	F-22 SQUADRONS	718,432	571,432
130	F-35 SQUADRONS	47,841	9,967
131	TACTICAL AIM MISSILES	8,023	8,023
132	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436
134	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	COMBAT RESCUE - PARARESCUE	927	927
136	AF TENCAP	20,727	20,727
137	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	COMPASS CALL	18,509	18,509
139	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	172,967
141	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	AIR AND SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	118,661
145	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
148	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	TACTICAL AIR CONTROL PARTY--MOD	15,978	9,678
152	C2ISR TACTICAL DATA LINK	1,536	1,536
153	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	121,610	74,610
155	SEEK EAGLE	18,599	18,599
156	USAF MODELING AND SIMULATION	23,091	23,091
157	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
159	MISSION PLANNING SYSTEMS	69,918	63,418
160	INFORMATION WARFARE SUPPORT	2,322	2,322
161	CYBER COMMAND ACTIVITIES	702	702
168	SPACE SUPERIORITY INTELLIGENCE	11,866	8,866

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
169	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	4,845
170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	43,811	43,811
171	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
172	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
175	MILSATCOM TERMINALS	238,729	196,729
175A	FAB-T ALTERNATIVE	---	42,000
177	AIRBORNE SIGINT ENTERPRISE	121,748	108,248
180	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	CYBER SECURITY INITIATIVE	2,026	2,026
182	DOD CYBER CRIME CENTER	282	282
183	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	WEATHER SERVICE	31,084	31,084
185	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)	63,367	21,367
186	AERIAL TARGETS	50,620	45,620
189	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
192	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	133,601	133,601
193	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	17,893	17,893
195	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	188,754
196	SPACE WARFARE CENTER	2,961	2,961
197	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	1,271	1,271
200	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	45,925
201	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	103,877
202	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	85,724
204	PREDATOR UAV (JMIP)	14,112	11,642
205	RQ-4 UAV	423,462	423,462
206	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	7,348	7,348
207	GPS III SPACE SEGMENT	463,081	458,081
208	JSPOC MISSION SYSTEM	118,950	81,450

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
209	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736
210	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
212	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP	23,931	23,931
214	SHARED EARLY WARNING (SEW)	1,663	1,663
215	C-130 AIRLIFT SQUADRON	24,509	6,509
216	C-5 AIRLIFT SQUADRONS	24,941	12,941
217	C-17 AIRCRAFT	128,169	94,269
218	C-130J PROGRAM	39,537	39,537
219	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	LIGHT MOBILITY AIRCRAFT (LIMA)	1,308	---
221	KC-135S	6,161	6,161
222	KC-10S	30,868	30,868
223	OPERATIONAL SUPPORT AIRLIFT	82,591	42,591
225	SPECIAL TACTICS / COMBAT CONTROL	7,118	5,218
226	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
228	LOGISTICS SUPPORT ACTIVITIES	944	944
229	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	SUPPORT SYSTEMS DEVELOPMENT	10,990	50,990
232	OTHER FLIGHT TRAINING	322	322
233	JOINT NATIONAL TRAINING CENTER	11	11
235	OTHER PERSONNEL ACTIVITIES	113	113
236	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	PERSONNEL ADMINISTRATION	8,041	1,041
239	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	FACILITIES OPERATION--ADMINISTRATION	12,118	12,118
241	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	76,317
242	MANAGEMENT HQ--ADP SUPPORT (AF)	299	299
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	6,510,126	5,768,203
	CLASSIFIED PROGRAMS	12,063,140	11,910,943
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	27,737,701	26,535,996

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

R-1		Budget Request	Conference
2	**UNIVERSITY RESEARCH INITIATIVES**	**140,273**	**152,273**
	Cyber Security research		12,000
4	**MATERIALS**	**136,230**	**144,230**
	Nanotechnology research		8,000
11	**DIRECTED ENERGY TECHNOLOGY**	**111,156**	**141,156**
	Space Situational Awareness		30,000
14	**ADVANCED MATERIALS FOR WEAPONS SYSTEMS**	**39,738**	**60,738**
	Silicon Carbide research		12,500
	Advanced Materials research		8,500
16	**ADVANCED AEROSPACE SENSORS**	**53,075**	**63,075**
	Program increase		10,000
23	**CONVENTIONAL WEAPONS TECHNOLOGY**	**54,042**	**45,542**
	High Velocity Penetrating Weapon - ahead of need		-8,500
24	**ADVANCED WEAPONS TECHNOLOGY**	**28,683**	**48,683**
	Space Situational Awareness		20,000
31	**ADVANCED EHF MILSATCOM (SPACE)**	**421,687**	**401,687**
	Excess to need - poor justification		-20,000
32	**POLAR MILSATCOM (SPACE)**	**122,991**	**102,991**
	Development schedule delay		-20,000
37	**SPACE PROTECTION PROGRAM (SPP)**	**9,819**	**7,319**
	Excess to need		-2,500
39	**ICBM - DEM/VAL**	**67,202**	**69,702**
	Program increase		2,500
43	**NEXT GENERATION BOMBER**	**197,023**	**297,023**
	Program increase		100,000
44	**BMC2 SENSOR DEVELOPMENT**	**60,250**	**31,250**
	3DELRR contract delays		-29,000
46	**HARD & DEEPLY BURIED TARGET DEFEAT SYSTEM**	**38,248**	**33,248**
	Program reduction		-5,000
53	**OPERATIONALLY RESPONSIVE SPACE**	**86,543**	**111,543**
	Responsive Launch		25,000
55	**NATIONAL POLAR-ORBITING OP ENV SATELLITE**	**444,900**	**43,000**
	DWSS program termination		-444,900
	Termination liability		43,000
55A	**WEATHER SATELLITE FOLLOW-ON**	**0**	**125,000**
	Weather Satellite Follow-on Activities		125,000

R-1		Budget Request	Conference
59	**ELECTRONIC WARFARE DEVELOPMENT**	**26,880**	**16,880**
	MALD-J Increment 2 - Technology Development contract delay		-10,000
61	**TACTICAL DATA NETWORKS ENTERPRISE**	**52,355**	**48,105**
	STRATCOM DNC2 contract delays		-3,000
	CLIP - contract delays		-1,250
65	**SPACE SITUATION AWARENESS SYSTEMS**	**273,689**	**241,089**
	Space Fence - poor justification		-20,000
	Space Based Space Surveillance excess to need		-12,600
66	**AIRBORNE ELECTRONIC ATTACK**	**47,100**	**41,000**
	Electronic Attack Pod delayed start		-3,500
	AEA SoS contract delays		-2,600
69	**ARMAMENT/ORDNANCE DEVELOPMENT**	**10,055**	**7,755**
	Universal Armament Interface contract delay		-2,300
71	**AGILE COMBAT SUPPORT**	**11,878**	**7,978**
	BEAR - ahead of need		-3,900
73	**LIFE SUPPORT SYSTEMS**	**11,280**	**9,280**
	Integrated Aircrew Ensemble contract award delays		-2,000
74	**COMBAT TRAINING RANGES**	**28,106**	**8,106**
	Joint Threat Emitter Increment 2 - rephased program		-12,000
	Air Combat Training Systems (P5) Upgrades - contract delay		-8,000
78	**ICBM - EMD**	**158,477**	**148,477**
	Support Equipment - contract savings		-10,000
79	**EVOLVED EXPENDABLE LAUNCH VEHICLE EMD**	**20,028**	**15,028**
	Program underexecution due to schedule delay		-5,000
81	**CSAR HH-60 RECAPITALIZATION**	**94,113**	**11,113**
	Excess to need - Air Force requested transfer to AP, AF lines 63 and 73		-83,000
83	**HC/MC-130 RECAP**	**27,071**	**22,071**
	Contract savings		-5,000
86	**LAAR SQUADRONS**	**23,721**	**13,721**
	Program reduction		-10,000
88	**FULL COMBAT MISSION TRAINING**	**39,826**	**29,826**
	Block 40/50 Mission Training Center excess to need		-10,000
90	**CV-22**	**20,723**	**13,223**
	Slow execution/ contract delay		-7,500
91	**AIRBORNE SENIOR LEADER C3 (SLC3S)**	**12,535**	**0**
	Program termination		-12,535
97	**TEST AND EVALUATION (T&E) SUPPORT**	**654,475**	**704,475**
	Program increase		50,000

R-1	Budget Request	Conference
107 GPS III - OPERATIONAL CONTROL SEGMENT	390,889	366,889
Directorate support - reduction to growth		-24,000
112 B-52 SQUADRONS	133,261	93,996
SR2 excess to requirement		-11,265
EHF contract delays		-13,000
1760 IWBU contract delays		-10,000
IFF Mode S/5 Development contract delays		-5,000
115 B-2 SQUADRONS	340,819	280,319
Mixed loads capability		22,000
EHF Increment 2 contract delay		-82,500
117 NIGHT FIST - USSTRATCOM	5,421	2,000
Program reduction		-3,421
119 ATMOSPHERIC EARLY WARNING SYSTEM	4,485	0
Unjustified request		-4,485
120 REGION/SECTOR OP CONTROL CENTER MODERNIZATION	12,672	6,672
BCS-F excess to requirement		-6,000
123 MQ-9 DEVELOPMENT AND FIELDING	146,824	126,824
Ka Migration contract delays		-14,000
SAR contract delays		-1,000
EO/IR Sensor Development contract delays		-5,000
126 F-16 SQUADRONS	143,869	131,069
SLEP contract delay		-12,800
127 F-15E SQUADRONS	207,531	194,831
ADCP excess to requirement		-12,700
129 F-22 SQUADRONS	718,432	571,432
Reduce program growth		-147,000
130 F-35 SQUADRONS	47,841	9,967
Block 4 development early to need		-37,874
139 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM (CIP)	182,967	172,967
Excess to requirement		-10,000
144 AWACS	135,961	118,661
Poor program execution		-17,300
146 ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
JTRS Integration and Engineering Support schedule delays		-5,200
Common Processing Environment schedule delays		-40,000
150 TACTICAL AIR CONTROL PARTY-MOD	15,978	9,678
VCS - Program termination and restructure		-4,300
JETS contract delays		-2,000

R-1	Budget Request	Conference
154 JOINT STARS	121,610	74,610
PME-DMS contract delays		-14,000
Unjustified request based on program restructure		-33,000
158 DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
Unjustified growth		-2,000
159 MISSION PLANNING SYSTEMS	69,918	63,418
CAF Increment IV critical change delay		-6,500
168 SPACE SUPERIORITY INTELLIGENCE	11,866	8,866
Program underexecution due to schedule delays		-3,000
169 E-4B NATIONAL AIRBORNE OPERATIONS CENTER	5,845	4,845
Secure, Survivable Communications delayed program start		-1,000
171 INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
Crypto Mod program delays		-9,000
175 MILSATCOM TERMINALS	238,729	196,729
Transfer to line 175a		-42,000
175a FAB-T ALTERNATIVE	0	42,000
FAB-T alternative		42,000
177 AIRBORNE SIGINT ENTERPRISE (JMIP)	121,748	108,248
ASIP 2C contract delays		-12,000
RQ-4 program delays		-1,500
185 AIR TRAFFIC CONTROL/APPROACH/LANDING SYSTEM (ATCALS)	63,367	21,367
D-RAPCON test articles early to need		-42,000
186 AERIAL TARGETS	50,620	45,620
QF-16 excess to need		-5,000
195 SPACE AND MISSILE T&E CENTER	196,254	188,754
Excess to need		-7,500
200 ENDURANCE UAVS	52,425	45,925
Funded in PA 11-14 prior approval reprogramming		-6,500
201 AIRBORNE RECONNAISSANCE SYSTEMS	106,877	103,877
Broad Area Surveillance Sensors - terminate program and transfer content to Imagery and Targeting Support for WAMI		-18,200
Imagery and Targeting Support		15,200
203 DISTRIBUTED COMMON GROUND SYSTEM	90,724	85,724
Contract delays due to program reprioritization		-5,000
204 MQ-1 PREDATOR DEVELOPMENT/FIELDING	14,112	11,642
Common Sensor Payload ahead of need		-2,470
207 GPS III SPACE SEGMENT	463,081	458,081
GPS III CIP - poor justification		-5,000

R-1	Budget Request	Conference
208 JSPOC MISSION SYSTEM	**118,950**	**81,450**
Excess to need		-37,500
215 C-130 AIRLIFT SQUADRONS	**24,509**	**6,509**
Contract delays		-18,000
216 C-5 AIRLIFT SQUADRONS	**24,941**	**12,941**
RERP Program rephased		-12,000
217 C-17 AIRCRAFT	**128,169**	**94,269**
Contract delays		-33,900
220 LIGHT MOBILITY AIRCRAFT (LIMA)	**1,308**	**0**
Funded in fiscal year 2011		-1,308
223 OPERATIONAL SUPPORT AIRLIFT	**82,591**	**42,591**
VC-25A funding ahead of need		-40,000
225 SPECIAL TACTICS/COMBAT CONTROL	**7,118**	**5,218**
Line of Sight contract delay		-1,900
230 SUPPORT SYSTEMS DEVELOPMENT	**10,990**	**50,990**
Alternative Energy research		40,000
238 PERSONNEL ADMINISTRATION	**8,041**	**1,041**
Contract delays		-7,000
241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS	**101,317**	**76,317**
DEAMS excess to requirement		-25,000
999 CLASSIFIED PROGRAMS	**12,063,140**	**11,910,943**
Classified adjustment		-152,197

INTEGRATED AIRCREW ENSEMBLE

The conference agreement provides $3,980,000 for the Integrated Aircrew Ensemble (IAE), a decrease of $2,000,000 below the request. The conferees understand that the IAE will provide more fully integrated upgrades to various flight safety gear and special protections in unique threat environments and is not a redesign of the current flight suit. Given existing and prospective budget constraints, the conferees urge the Air Force to proceed with the program in a requirements-focused and fiscally sustainable manner.

KC–46A

The conferees direct the Secretary of the Air Force to submit the reports regarding the KC–46A required in House Report 112–110 on a quarterly basis, with the first report to be submitted not later than March 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, DEFENSE-WIDE		
	BASIC RESEARCH		
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH	47,737	47,737
2	DEFENSE RESEARCH SCIENCES	290,773	290,773
3	BASIC RESEARCH INITIATIVES	14,731	7,731
5	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	37,870	37,870
6	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
7	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	52,617	52,617
	TOTAL, BASIC RESEARCH	545,319	523,319
	APPLIED RESEARCH		
8	JOINT MUNITIONS TECHNOLOGY	21,592	20,592
9	BIOMEDICAL TECHNOLOGY	110,000	95,000
11	LINCOLN LABORATORY RESEARCH PROGRAM	37,916	37,916
12	SYSTEMS 2020 APPLIED RESEARCH	4,381	---
13	INFORMATION AND COMMUNICATIONS TECHNOLOGY	400,499	354,125
14	COGNITIVE COMPUTING SYSTEMS	49,365	49,365
15	MACHINE INTELLIGENCE	61,351	52,276
16	BIOLOGICAL WARFARE DEFENSE	30,421	30,421
17	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	219,873	219,873
18	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	9,235	4,235
19	CYBER SECURITY RESEARCH	9,735	4,735
20	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP	14,923	8,923
21	TACTICAL TECHNOLOGY	206,422	202,422
22	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	222,837
23	ELECTRONICS TECHNOLOGY	215,178	215,178
24	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	196,954	196,954
25	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	41,591
	TOTAL, APPLIED RESEARCH	1,852,273	1,756,443

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	ADVANCED TECHNOLOGY DEVELOPMENT		
27	JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD	24,771	15,771
28	SO/LIC ADVANCED DEVELOPMENT	45,028	45,028
29	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,019	77,019
30	COUNTERPROLIFERATION INITIATIVES--PROLIF PREV & DEFEAT	283,073	283,073
31	BALLISTIC MISSILE DEFENSE TECHNOLOGY	75,003	75,003
32	JOINT ADVANCED CONCEPTS	7,903	6,803
33	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,372	20,372
34	SYSTEMS 202 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	---
35	AGILE TRANSPO FOR THE 21ST CENTURY (AT21) - THEATER CA	998	998
36	SPECIAL PROGRAM--MDA TECHNOLOGY	61,458	61,458
37	ADVANCED AEROSPACE SYSTEMS	98,878	98,878
38	SPACE PROGRAMS AND TECHNOLOGY	97,541	97,541
39	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	229,235	229,235
40	JOINT ELECTRONIC ADVANCED TECHNOLOGY	7,287	7,287
41	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	176,707
42	NETWORKED COMMUNICATIONS CAPABILITIES	23,890	23,890
43	JOINT DATA MANAGEMENT RESEARCH	9,235	4,235
44	BIOMETRICS SCIENCE AND TECHNOLOGY	10,762	10,762
45	CYBER SECURITY ADVANCED RESEARCH	10,709	5,709
46	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADV	18,179	13,179
47	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROG	17,888	47,888
48	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	26,972	26,972
49	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,756	9,756
50	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,887	23,887
51	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	29,976
52	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,409	66,409
53	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	61,132
54	JOINT WARFIGHTING PROGRAM	10,547	10,547
55	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	150,286
58	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	261,606
59	CLASSIFIED DARPA PROGRAMS	107,226	107,226
60	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	208,503

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
61	SENSOR TECHNOLOGY	271,802	271,802
	DEFENSE RAPID INNOVATION PROGRAM	---	200,000
63	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,579	13,579
64	SOFTWARE ENGINEERING INSTITUTE	30,424	30,424
65	QUICK REACTION SPECIAL PROJECTS	89,925	60,765
66	JOINT EXPERIMENTATION	58,130	39,130
67	MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
68	DIRECTED ENERGY RESEARCH	96,329	50,000
69	NEXT GENERATION AEGIS MISSILE	123,456	13,456
70	TEST & EVALUATION SCIENCE & TECHNOLOGY	99,593	99,593
72	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	20,444	20,444
73	CWMD SYSTEMS	7,788	4,288
74	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	35,242	30,242
75	AVIATION ENGINEERING ANALYSIS	837	837
76	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECH	4,924	4,924
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	3,270,792	3,127,649
	DEMONSTRATION & VALIDATION		
77	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	36,798	30,798
78	RETRACT LARCH	21,040	21,040
79	WALKOFF	112,142	112,142
80	JOINT ROBOTICS PROGRAM	11,129	11,129
81	ADVANCE SENSOR APPLICATIONS PROGRAM	18,408	18,408
82	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	63,606
83	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	290,452	290,452
84	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,161,001	1,161,001
86	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	261,143	213,155
87	BALLISTIC MISSILE DEFENSE SENSORS	222,374	222,374
88	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,071,039	85,690
88A	BMD TESTS	---	488,382
88B	BMD TARGETS	---	454,999
89	BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS	373,563	415,531
90	SPECIAL PROGRAMS - MDA	296,554	296,554
91	AEGIS BMD	960,267	990,267

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
92	SPACE SURVEILLANCE & TRACKING SYSTEM	96,353	96,353
93	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	7,951	7,951
94	BALLISTIC MISSILE DEFENSE C2BMC	364,103	364,103
96	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225
91 97	BALLISTIC MISSILE DEFENSE INTERGRATION AND OPERATIONS CENTER (MDIOC)	69,325	69,325
98	REGARDING TRENCH	15,797	15,797
99	SEA BASED X-BAND RADAR (SBX)	177,058	177,058
101	ISRAELI COOPERATIVE PROGRAMS	106,100	235,700
102	HUMANITARIAN DEMINING	14,996	14,996
103	COALITION WARFARE	12,743	12,743
104	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,221	35,321
105	DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	25,120	25,120
107	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES	10,309	7,509
108	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	13,024	13,024
109	JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM	9,290	9,290
110	LAND-BASED SM-3 (LBSM3)	306,595	306,595
111	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	424,454	474,454
112	PRECISION TRACKING SPACE SYSTEM RDT&E	160,818	80,818
113	AIRBORNE INFRARED (ABIR)	46,877	---
115	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,358	3,358
116	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	---	25,000
117	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	7,220	7,220
118	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	179,824
	TOTAL, DEMONSTRATION & VALIDATION	7,020,277	7,078,312
	ENGINEERING & MANUFACTURING DEVELOPMENT		
119	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	316,608
120	JOINT ROBOTICS PROGRAM	2,782	2,782
121	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	38,824
122	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,888	5,888
124	INFORMATION TECHNOLOGY DEVELOPMENT	12,228	12,228
127	HOMELAND PERSONNEL SECURITY INITIATIVE	389	389

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
128	DEFENSE EXPORTABILITY PROGRAM	1,929	1,929
129	OUSD(C) IT DEVELOPMENT INITIATIVES	4,993	4,993
130	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	94,285
131	DCMO POLICY AND INTEGRATION	41,808	41,808
133	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITY	14,950	14,950
135	GLOBAL COMBAT SUPPORT SYSTEM	19,837	19,837
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	706,290	571,916
	RDT&E MANAGEMENT SUPPORT		
137	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,658	6,658
138	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,731	4,731
139	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT	140,231	160,231
140	ASSESSMENTS AND EVALUATIONS	2,757	2,757
141	THERMAL VICAR	7,827	7,827
142	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,479	10,479
143	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,213	34,213
144	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	1,486	1,486
145	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	64,524	64,524
146	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	79,859	79,859
147	CLASSIFIED PROGRAM USD(P)	---	100,000
148	FOREIGN COMPARATIVE TESTING	19,080	19,080
149	SYSTEMS ENGINEERING	41,884	41,884
150	NUCLEAR MATTERS - PHYSICAL SECURITY	4,261	4,261
151	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,437	9,437
152	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,549	6,549
153	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,806	92,806
160	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	1,924	1,924
161	DEFENSE TECHNOLOGY ANALYSIS	16,135	16,135
163	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	56,269	56,269
164	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	49,810	49,810
165	DEVELOPMENT TEST AND EVALUATION	15,805	19,305
166	DARPA AGENCY RELOCATION	1,000	1,000
167	MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)	66,689	66,689

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
168	BUDGET AND PROGRAM ASSESSMENTS	4,528	4,528
169	AVIATION SAFETY TECHNOLOGIES	6,925	6,925
170	OPERATIONS SECURITY (OPSEC)	1,777	1,777
171	JOINT STAFF ANALYTICAL SUPPORT	18	18
174	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	12,209	12,209
175	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,288	4,288
176	CYBER SECURITY INITIATIVE	10,000	5,000
177	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	15,002	15,002
179	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	861	861
180	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION	59,958	38,090
182	MANAGEMENT HEADQUARTERS - MDA	28,908	28,908
183	IT SOFTWARE DEV INITIATIVES	167	167
999	CLASSIFIED PROGRAMS	82,627	82,627
	TOTAL, RDT&E MANAGEMENT SUPPORT	961,682	1,058,314
	OPERATIONAL SYSTEMS DEVELOPMENT		
185	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	8,706	6,206
186	REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEAC	2,165	2,165
187	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SY	288	288
188	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D	15,956	15,956
189	JOINT INTEGRATION AND INTEROPERABILITY	29,880	29,880
190	CLASSIFIED PROGRAMS	2,402	2,402
191	C4I INTEROPERABILITY	72,403	72,403
193	JOINT/ALLIED COALITION INFORMATION SHARING	7,093	7,093
200	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	481	481
201	DEFENSE INFO INFRASTRUCTURE ENGINEERING & INTEGRATION	8,366	15,866
202	LONG HAUL COMMUNICATIONS (DCS)	11,324	11,324
203	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	12,514	12,514
204	PUBLIC KEY INFRASTRUCTURE (PKI)	6,548	6,548
205	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,751	33,751
206	INFORMATION SYSTEMS SECURITY PROGRAM	11,753	11,753
207	INFORMATION SYSTEMS SECURITY PROGRAM	348,593	348,593
208	INFORMATION SYSTEMS SECURITY PROGRAM	5,500	5,500
211	GLOBAL COMMAND AND CONTROL SYSTEM	54,739	54,739

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
212	JOINT SPECTRUM CENTER	29,154	29,154
213	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,830	1,830
214	JOINT MILITARY DECEPTION INITIATIVE	1,241	1,241
215	TELEPORT PROGRAM	6,418	6,418
217	SPECIAL APPLICATIONS FOR CONTINGENCIES	5,045	5,045
220	CYBER SECURITY INITIATIVE	411	411
222	CYBER SECURITY INITIATIVE	4,341	4,341
223	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	13,008	13,008
227	POLICY R&D PROGRAMS	6,603	6,603
229	NET CENTRICITY	14,926	14,926
232	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	1,303
235	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,154	3,154
237	MQ-1 PREDATOR A UAV	2,499	2,499
239	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,660	2,660
240	INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT	1,444	1,444
248	INDUSTRIAL PREPAREDNESS	23,103	23,103
249	LOGISTICS SUPPORT ACTIVITIES	2,466	2,466
250	MANAGEMENT HEADQUARTERS (JCS)	2,730	2,730
252	MQ-9 UAV	2,499	2,499
253	RQ-11 UAV	3,000	1,500
254	RQ-7 UAV	450	450
256	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEV	89,382	74,382
257	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799
258	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	27,916	27,916
259	SOF OPERATIONAL ENHANCEMENTS	60,915	65,415
260	SPECIAL OPERATIONS CV-22 DEVELOPMENT	10,775	10,775
263	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,617	4,617
265	MC130J SOF TANKER RECAPITALIZATION	18,571	18,571
266	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,392	1,392
268	SOF WEAPONS SYSTEMS	2,610	2,610
269	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	2,971	2,971
270	SOF VISUAL AUGMENTATION, LASERS & SENSOR SYSTEMS	3,000	3,000

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
271	SOF TACTICAL VEHICLES	3,522	3,522
272	SOF MUNITIONS	1,500	1,500
273	SOF ROTARY WING AVIATION	51,123	51,123
274	SOF UNDERWATER SYSTEMS	92,424	68,424
275	SOF SURFACE CRAFT	14,475	14,475
276	SOF PSYOP	2,990	2,990
277	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	8,923	8,923
278	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,473	9,473
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,171,125	1,137,125
999	CLASSIFIED PROGRAMS	4,227,920	3,940,877
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DEF-WIDE	19,755,678	19,193,955

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	Conference
3	BASIC RESEARCH INITIATIVES	14,731	7,731
	Reduction to new starts		-7,000
6	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
	Excessive growth		-15,000
8	JOINT MUNITIONS TECHNOLOGY	21,592	20,592
	Excessive growth		-1,000
9	BIOMEDICAL TECHNOLOGY	110,000	95,000
	Unsustained funding		-15,000
12	SYSTEMS 2020 APPLIED RESEARCH	4,381	0
	Duplication of effort		-4,381
13	INFORMATION AND COMMUNICATIONS TECHNOLOGY	400,499	354,125
	IT-03 unsustained funding		-12,900
	IT-04 unsustained funding		-13,474
	Reduction to new starts		-20,000
15	MACHINE INTELLIGENCE	61,351	52,276
	Unsustained growth		-9,075
18	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	9,235	4,235
	Excessive growth		-5,000
19	CYBER SECURITY RESEARCH	9,735	4,735
	Program increase		-5,000
20	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	14,923	8,923
	Excessive growth		-6,000
21	TACTICAL TECHNOLOGY	206,422	202,422
	Reduction to new starts		-4,000
22	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	222,837
	Excessive growth		-15,000
25	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	41,591
	Program increase - unfunded requirement		15,000
27	JOINT MUNITIONS ADVANCED TECHNOLOGY INSENSITIVE MUNITIONS ADVANCED TECHNOLOGY	24,771	15,771
	Excessive growth		-9,000
32	JOINT ADVANCED CONCEPTS	7,903	6,803
	Unsustained growth		-1,100
34	SYSTEMS 202 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	0
	Lack of transition plan		-4,381

R-1		Budget Request	Conference
41	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	176,707
	Excessive growth		-11,000
43	JOINT DATA MANAGEMENT RESEARCH	9,235	4,235
	Delay of fiscal year 2011 new start		-5,000
45	CYBER SECURITY ADVANCED RESEARCH	10,709	5,709
	Program adjustment		-5,000
46	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED TECHNOLOGY	18,179	13,179
	Excessive growth		-5,000
47	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	17,888	47,888
	Industrial Base Innovation Fund program - Program adjustment		30,000
51	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	29,976
	Excessive growth		-12,000
53	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	61,132
	90nm Next Generation Foundry		-30,000
55	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	150,286
	Reduction to new starts		-10,000
58	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	261,606
	CCC-01 unsustained growth		-7,490
	CCC-02 unsustained growth		-3,850
	CCC-CLS unsustained growth		-10,591
	Reduction to new starts		-13,000
60	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	208,503
	NET-01 unsustained growth		-11,742
	Reduction to new starts		-15,000
61A	DEFENSE RAPID INNOVATION PROGRAM		200,000
	Defense Rapid Innovation Program - Program adjustment		200,000
65	QUICK REACTION SPECIAL PROJECTS	89,925	60,765
	P832		-4,160
	P826/P828 excessive growth		-25,000
66	JOINT EXPERIMENTATION	58,130	39,130
	Program adjustment		-19,000
67	MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
	Excessive growth		-6,000
68	DIRECTED ENERGY RESEARCH	96,329	50,000
	Program adjustment		-46,329

R-1		Budget Request	Conference
69	**NEXT GENERATION AEGIS MISSILE**	**123,456**	**13,456**
	Transfer to lines 91 for SM-3 IB and line 111 for SM-3 IIA for program adjustments		-110,000
73	**COMBATING WEAPONS OF MASS DESTRUCTION SYSTEMS**	**7,788**	**4,288**
	Program reduction		-3,500
74	**SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT**	**35,242**	**30,242**
	Excess to need		-5,000
77	**NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT**	**36,798**	**30,798**
	Unexecutable growth		-6,000
86	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**261,143**	**213,155**
	JPID program restructure		-13,988
	INATS schedule delays		-13,000
	VAC FILO execution delays		-9,000
	IBP schedule delay		-12,000
88	**BALLISTIC MISSILE DEFENSE TEST & TARGETS**	**1,071,039**	**85,690**
	Transfer to lines 88a, 88b, and 89		-985,349
88a	**BMD Tests**		**488,382**
	Transfer from line 88		488,382
88b	**BMD Targets**		**454,999**
	Transfer from line 88		454,999
89	**BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS**	**373,563**	**415,531**
	Transfer from line 88		41,968
91	**AEGIS BMD**	**960,267**	**990,267**
	Transfer from line 69 Next Generation Aegis Missile for SM-3 Block IB production improvements program adjustment		30,000
101	**ISRAELI COOPERATIVE PROGRAMS**	**106,100**	**235,700**
	Arrow 3		13,000
	Arrow System Improvement Program (ASIP)		47,200
	David's Sling Weapon System		69,400
104	**DEPARTMENT OF DEFENSE CORROSION PROGRAM**	**3,221**	**35,321**
	Program adjustment		32,100
107	**HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH & ENGINEERING**	**10,309**	**7,509**
	Excessive growth		-2,800
111	**AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT**	**424,454**	**474,454**
	Transfer from line 69 Next Generation Aegis Missile for Risk Reduction program adjustment		50,000

R-1		Budget Request	Conference
112	PRECISION TRACKING SPACE SYSTEM RDT&E	160,818	80,818
	Unjustified program		-80,000
113	AIRBORNE INFRARED (ABIR)	46,877	0
	Program adjustment		-46,877
116	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	0	25,000
	Restore unjustified reduction		25,000
118	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	179,824
	Program adjustment		-25,000
119	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	316,608
	Decontamination Family of Systems schedule delays		-10,000
	Bioscavenger program delays		-24,000
	MCMI, Duplication with other government programs		-50,000
121	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	38,824
	Technology Innovation Fund		-25,374
	Cyber threat discovery - program adjustment		15,000
130	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	94,285
	Program growth		-40,000
139	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT	140,231	160,231
	Restore unjustified reduction		20,000
147	CLASSIFIED PROGRAM USD(P)	0	100,000
	Classified program USD(P)		100,000
165	DEVELOPMENT TEST AND EVALUATION	15,805	19,305
	Fiscal year 2012 WSARA shortfall - program adjustment		3,500
176	CYBER SECURITY INITIATIVE	10,000	5,000
	Execution delays		-5,000
180	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION	59,958	38,090
	P754 - Duplication with Service initiatives		-21,868
185	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	8,706	6,206
	Excessive growth		-2,500
201	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	8,366	15,866
	Cybersecurity pilots program adjustment		7,500
232	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	1,303
	Unjustified increase		-3,000

R-1		Budget Request	Conference
253	**RQ-11 UAV**	**3,000**	**1,500**
	Lack of full funding		-1,500
256	**SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT**	**89,382**	**74,382**
	MC-130 TF/TA radar contract award delay		-15,000
259	**SOF OPERATIONAL ENHANCEMENTS**	**60,915**	**65,415**
	Program Increase - Electronic Warfare unfunded requirement		4,500
274	**SOF UNDERWATER SYSTEMS**	**92,424**	**68,424**
	Excessive growth		-24,000
	CLASSIFIED PROGRAMS	**4,227,920**	**3,940,877**
	Classified adjustment		-289,043
	File sanitization tool (FiST) - program adjustment		2,000

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

The conferees recommend a total of $166,122,000 in undistributed reductions throughout the Defense Advanced Research Projects Agency (DARPA). The conferees direct the Director of DARPA to provide a report to the congressional defense committees, not later than 60 days after enactment of this Act, detailing by program element and project the application of each undistributed reduction.

PROMPT GLOBAL STRIKE

The fiscal year 2012 budget request includes $204,824,000 to continue the Prompt Global Strike program. The conferees recommend $179,824,000, a reduction of $25,000,000, based on program delays caused by two consecutive flight test failures of the Hypersonic Technology Vehicle 2. The conferees remain supportive of the Prompt Global Strike program and direct that the reduction not be applied to the Advanced Hypersonic Weapon program, which just completed a successful flight demonstration.

SPECIAL OPERATIONS COMMAND UNDERSEA MOBILITY CONCEPTS

The fiscal year 2012 budget request includes $92,242,000 for several programs that are designed to collectively fill the capability gap that remains following termination of the Advanced SEAL Delivery System and its successor, the Joint Multi-Mission Submersible. The conferees note that unobligated prior year appropriations, combined with funds provided in the Department of Defense Appropriations Act, 2012, would allow the Special Operations Command (SOCOM) to award several commercial contracts to develop a Family of Systems to meet its requirement. The conferees direct the Commander, SOCOM to provide separate cost estimates for the Technology Development and Engineering and Manufacturing Development phases for each of the projects in support of Undersea Mobility, as well as the estimated procurement costs, with the fiscal year 2013 budget submission.

ISRAELI COOPERATIVE PROGRAMS

The fiscal year 2012 budget request includes $106,100,000 to continue Israeli Cooperative Programs, a decrease of over $100,000,000 from amounts appropriated in fiscal year 2011. The conferees find the request insufficient and provide an additional $129,600,000 to address Israel's security requirements. Within this amount, $15,000,000 shall be used only for the Low Rate Initial Production activities as included in the David's Sling Weapon System project agreement between the two governments.

MEDICAL COUNTERMEASURES INITIATIVE

The conferees recommend $101,670,000, instead of $151,670,000 as proposed by the House and no funding as proposed by the Senate, for the Medical Countermeasures Initiative (MCMI) System Development and Demonstration. The conferees support the purpose of the MCMI program but are concerned that synergies with other government programs have not been sufficiently explored and that the government is creating slightly distinct, yet largely redundant capabilities. Therefore, the conferees direct the Assistant Secretary of Defense (Nuclear, Chemical, and Biological Defense Programs) to continue efforts to reduce costs and program overlap.

90NM NEXT GENERATION FOUNDRY

The recommendation includes no funding for the requested 90nm Next Generation Foundry, due to the lack of justification in support of the budget submission. However, the conferees recognize the criticality of ensuring a safe and stable supply of microchips to the Department of Defense and will revisit this issue in the future.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	OPERATIONAL TEST AND EVALUATION, DEFENSE		
	RDT&E MANAGEMENT SUPPORT		
1	OPERATIONAL TEST AND EVALUATION	60,444	60,444
2	LIVE FIRE TESTING	12,126	12,126
3	OPERATIONAL TEST ACTIVITIES AND ANALYSES	118,722	118,722
	TOTAL, RDT&E MANAGEMENT SUPPORT	191,292	191,292
	TOTAL, OPERATIONAL TEST AND EVALUATION, DEFENSE	191,292	191,292

TITLE V—REVOLVING AND MANAGEMENT FUNDS

The conference agreement provides $2,675,529,000 in Title V, Revolving and Management Funds as proposed by the House, instead of $2,262,529,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
TITLE V		
REVOLVING AND MANAGEMENT FUNDS		
Defense Working Capital Funds	1,575,010	1,575,010
National Defense Sealift Fund	1,126,384	1,100,519
Total, title V, Revolving and Management Funds	2,701,394	2,675,529

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,575,010,000 for the Defense Working Capital Funds as proposed by the House, instead of $1,562,010,000 as proposed by the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $1,100,519,000 for the National Defense Sealift Fund as proposed by the House, instead of $700,519,000 as proposed by the Senate.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

	Budget request	Conference
STRATEGIC SHIP ACQUISITION	450,026	424,161
Revised Mobile Landing Platform acquisition strategy		-25,865
DoD MOBILIZATION ASSETS	318,645	318,645
SEALIFT RESEARCH AND DEVELOPMENT	48,443	48,443
READY RESERVE FORCE OPERATION AND MAINTENANCE	309,270	309,270
Total, National Defense Sealift Fund	1,126,384	1,100,519

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement provides $35,593,020,000 in Title VI, Other Department of Defense Programs, instead of $35,677,681,000 as proposed by the House and $35,628,483,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
TITLE VI		
OTHER DEPARTMENT OF DEFENSE PROGRAMS		
Defense Health Program:		
Operation and maintenance	30,902,546	30,582,235
Procurement	632,518	632,518
Research, development, test and evaluation	663,706	1,267,306
Total, Defense Health Program 1/	32,198,770	32,482,059
Chemical Agents and Munitions Destruction, Defense:		
Operation and maintenance	1,147,691	1,147,691
Procurement	---	---
Research, development, test and evaluation	406,731	406,731
Total, Chemical Agents 2/	1,554,422	1,554,422
Drug Interdiction and Counter-Drug Activities, Defense	1,156,282	1,209,620
Joint Improvised Explosive Device Defeat Fund 2/	220,634	---
Joint Urgent Operational Needs Fund	100,000	---
Office of the Inspector General 1/	289,519	346,919
Total, title VI, Other Department of Defense Programs	35,519,627	35,593,020

DEFENSE HEALTH PROGRAM

The conference agreement provides $32,482,059,000 for the Defense Health Program, instead of $32,347,559,000 as proposed by the House and $32,536,070,000 as proposed by the Senate. The conference agreement on items addressed either by the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
DEFENSE HEALTH PROGRAM		
OPERATION AND MAINTENANCE		
IN-HOUSE CARE	8,148,856	8,158,856
PRIVATE SECTOR CARE	16,377,272	16,047,272
CONSOLIDATED HEALTH SUPPORT	2,193,821	2,213,821
INFORMATION MANAGEMENT	1,422,697	1,422,697
MANAGEMENT ACTIVITIES	312,102	307,102
EDUCATION AND TRAINING	705,347	693,647
BASE OPERATIONS/COMMUNICATIONS	1,742,451	1,738,840
SUBTOTAL, OPERATION AND MAINTENANCE	30,902,546	30,582,235
PROCUREMENT		
DEFENSE HEALTH PROGRAM	632,518	632,518
RESEARCH DEVELOPMENT TEST AND EVALUATION		
DEFENSE HEALTH PROGRAM	663,706	1,267,306
TOTAL, DEFENSE HEALTH PROGRAM	32,198,770	32,482,059

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	Conference
OPERATION AND MAINTENANCE	**30,902,546**	**30,582,235**
IN-HOUSE CARE	**8,148,856**	**8,158,856**
Program Increase - Suicide Prevention		10,000
PRIVATE SECTOR CARE	**16,377,272**	**16,047,272**
TRICARE Historical Underexecution		-330,000
CONSOLIDATED HEALTH SUPPORT	**2,193,821**	**2,213,821**
Wounded Warrior Military Adaptive Sports Program		10,000
Program Increase - Suicide Prevention		10,000
INFORMATION MANAGEMENT	**1,422,697**	**1,422,697**
MANAGEMENT ACTIVITIES	**312,102**	**307,102**
Strategic Communications		-3,000
Contract savings from website consolidation		-2,000
EDUCATION AND TRAINING	**705,347**	**693,647**
Unjustified Growth for Travel		-11,700
BASE OPERATIONS AND COMMUNICATIONS	**1,742,451**	**1,738,840**
Adjustment for Civilian Pay Error		-3,611
PROCUREMENT	**632,518**	**632,518**
RESEARCH AND DEVELOPMENT	**663,706**	**1,267,306**
Peer-Reviewed Alcohol and Substance Abuse Disorders Research		4,500
Peer-Reviewed ALS Research		6,400
Peer-Reviewed Alzheimer Research		12,000
Peer-Reviewed Autism Research		5,100
Peer-Reviewed Bone Marrow Failure Disease Research		3,200
Peer-Reviewed Breast Cancer Research		120,000
Peer-Reviewed Cancer Research		12,800
Peer-Reviewed Duchenne Muscular Dystrophy Research		3,200
Peer-Reviewed Gulf War Illness Research		10,000
Peer-Reviewed Hemorrhage Control Research		10,000
Peer-Reviewed Lung Cancer Research		10,200
Peer-Reviewed Medical Research		50,000
Peer-Reviewed Multiple Sclerosis Research		3,800
Peer-Reviewed Orthopedic Research		30,000
Peer-Reviewed Ovarian Cancer Research		16,000
Peer-Reviewed Prostate Cancer Research		80,000
Peer-Reviewed Restorative Transplantation Research		15,000
Peer-Reviewed Spinal Cord Research		9,600
Peer-Reviewed Traumatic Brain Injury and Psychological Health Research		135,500
Peer-Reviewed Tuberous Sclerosis Complex Research		5,100
Peer-Reviewed Vision Research		3,200
Global HIV/AIDS Prevention		8,000
Joint Warfighter Medical Research		50,000

DEFENSE HEALTH PROGRAM REPROGRAMMING PROCEDURES

The conferees remain concerned over the transfer of funds from Direct (or In-house) Care to pay for contractor-provided medical care. To limit such transfers and continue oversight within the Defense Health Program operation and maintenance account, the conferees include bill language which caps the funds available for Private Sector Care under the TRICARE program subject to prior approval reprogramming procedures. The bill language and accompanying statement language included by the conferees should not be interpreted by the Department of Defense as limiting the amount of funds that may be transferred to the Direct Care System from other budget activities within the Defense Health Program. In addition, the conferees continue to designate the funding for the Direct Care System as a special interest item. Any transfer of funds from the Direct (or In-house) Care budget activity into the Private Sector Care budget activity or any other budget activity will require the Department of Defense to follow prior approval reprogramming procedures.

The Department shall also provide written notification to the House and Senate Appropriations Committees of cumulative transfers in excess of $15,000,000 out of the Private Sector Care budget activity. The conferees further direct the Assistant Secretary of Defense (Health Affairs) to provide quarterly reports to the House and Senate Appropriations Committees on budget execution data for all of the Defense Health Program accounts and to adequately reflect changes to the budget activities requested by the Services in future budget submissions.

CARRYOVER

For fiscal year 2012, the conferees recommend one percent carryover authority for the operation and maintenance account of the Defense Health Program. The conferees direct the Assistant Secretary of Defense (Health Affairs) to submit a detailed spending plan for any fiscal year 2011 designated carryover funds to the congressional defense committees not fewer than 15 days prior to executing the carryover funds.

PEER-REVIEWED CANCER RESEARCH PROGRAM

The conference agreement provides $12,800,000 for a Peer-Reviewed Cancer Research Program that would research cancers not addressed in the breast, prostate, ovarian, and lung cancer research programs currently executed by the Department of Defense, and specifically by the U.S. Army Medical Research and Materiel Command.

The funds provided are directed to be used to conduct research in the following areas: melanoma and other skin cancers, pediatric brain tumors, genetic cancer research, pancreatic cancer, kidney cancer, blood cancer, colorectal cancer, mesothelioma, and listeria vaccine for infectious disease and cancer.

The funds provided under the Peer-Reviewed Cancer Research Program shall only be used for the purposes listed above. The Assistant Secretary of Defense (Health Affairs) is directed to provide a report not later than 60 days after enactment of this Act to the congressional defense committees on the status of the Peer-Reviewed Cancer Research Program. For each research area, the report should include the funding amount awarded, the progress of the research, and the relevance of the research for servicemembers and their families.

JOINT WARFIGHTER MEDICAL RESEARCH PROGRAM

The conference agreement provides $50,000,000 for the Joint Warfighter Medical Research Program. Funds shall be used to augment and accelerate high priority Department of Defense and Service medical requirements and to continue prior year initiatives that are close to achieving their objectives and yielding a benefit to military medicine. The funds shall not be used for new projects or for basic research. The funding shall be awarded at the Department's discretion following a review of medical research and development gaps, as well as unfinanced medical requirements of the Services. Further, the conferees direct the Assistant Secretary of Defense (Health Affairs) to provide a report not later than 120 days after enactment of this Act to the congressional defense committees, which lists the projects that receive funding. The report should include the amount of funding provided to each project and a thorough description of each project's research.

PEER-REVIEWED MEDICAL RESEARCH PROGRAM

The conference agreement provides $50,000,000 for a Peer-Reviewed Medical Research Program. The conferees direct the Secretary of Defense, in conjunction with the Service Surgeons General, to select medical research projects of clear scientific merit and direct relevance to military health. Research areas considered under this funding are restricted to: arthritis, composite tissue transplantation, drug abuse, dystonia, epilepsy, food allergies, Fragile X syndrome, hereditary angioedema, inflammatory bowel disease, interstitial cystitis, lupus, malaria, nanomedicine for drug delivery science, neuroblastoma, osteoporosis and related bone disease, Paget's disease, polycystic kidney disease, post-traumatic osteoarthritis, scleroderma, tinnitus, and tuberculosis. The conferees emphasize that the additional funding provided under the Peer-Reviewed Medical Research Program shall be devoted only to the purposes listed above.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The conference agreement on items addressed either by the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE		
CHEM DEMILITARIZATION - OPERATION AND MAINTENANCE.....	1,147,691	1,147,691
CHEM DEMILITARIZATION - RESEARCH, DEV., TEST & EVAL...	406,731	406,731
TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.....	1,554,422	1,554,422

TOOELE CHEMICAL AGENT DISPOSAL FACILITY

House Report 112–110 directs the Secretary of Defense to submit a report to the congressional defense committees detailing the closure requirements and potential reuse of the Tooele Chemical Agent Disposal Facility. This report is no longer required.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $1,209,620,000 for Drug Interdiction and Counter-Drug Activities, Defense, instead of $1,208,147,000 as proposed by the House and $1,205,072,000 as proposed by the Senate. The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget request	Conference
DRUG INTERDICTION & COUNTER-DRUG ACTIVITIES	1,156,282	1,209,620
PC:		
2360 EUCOM Tactical Analysis Team Support—Previously Denied New Start		−952
3217 Navy Counter-Drug Activities—ROTHR—Transfer from OP,N line 89		2,290
7403 National Guard Counter-Drug Program State Plans		50,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget request	Conference
9205 EUCOM Counternarcotics Operations Support		−2,000
9380 Young Marines—Drug Demand Reduction		4,000

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

Line	Budget request	Conference
4 STAFF AND INFRASTRUCTURE	220,634	0
Transfer to title IX		−220,634
TOTAL, JOINT IED DEFEAT FUND	220,634	0

The conference agreement does not recommend funding for the Joint Improvised Explosive Device Defeat Fund in the base budget. The agreement addresses the funding requirements of the Joint Improvised Explosive Device Defeat Organization in title IX.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget request	Conference
OPERATION AND MAINTENANCE	286,919	341,419
Program Increase		54,500
PROCUREMENT	1,000	1,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	1,600	4,500
Program Increase		2,900
TOTAL, OFFICE OF THE INSPECTOR GENERAL	289,519	346,919

TITLE VII—RELATED AGENCIES

The conference agreement provides $1,061,591,000 in Title VII, Related Agencies, instead of $971,925,000 as proposed by the House and $1,107,413,000 as proposed by the Senate. The conference agreement on items addressed either by the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
TITLE VII		
RELATED AGENCIES		
Central Intelligence Agency Retirement and Disability System Fund	513,700	513,700
Intelligence Community Management Account (ICMA)	592,213	547,891
Total, title VII, Related agencies	1,105,913	1,061,591

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in a separate detailed and comprehensive classified annex. The Intelligence Community, Department of Defense, and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying the Department of Defense Appropriations Act, 2012.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement provides $513,700,000 for the Central Intelligence Agency Retirement and Disability Fund, as proposed by both the House and the Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $547,891,000 for the Intelligence Community Management Account, instead of $458,225,000 as proposed by the House and $593,713,000 as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference follow:

The conference agreement modifies a provision proposed by the House and Senate which provides general transfer authority not to exceed $3,750,000,000.

The conference agreement retains a provision proposed by the Senate which prohibits the use of funds to demilitarize or dispose of certain small firearms. The House bill contained a similar provision but made it permanent.

The conference agreement retains a provision proposed by the House concerning incentive payments authorized by section 504 of the Indian Financing Act (25 U.S.C. 1544). The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which provides funding from various appropriations for the Civil Air Patrol Corporation. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate related to funding provided for Federally Funded Research and Development Centers. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the House which provides that the Office of Economic Adjustment may use funds made available under Operation and Maintenance, Defense-Wide to make grants and supplement other federal funds in accordance with guidance provided. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which prohibits the conversion of any activity or function performed by civilian employees of the Department of Defense to contractor with certain exceptions. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

2002 Appropriations:	
National Defense Sealift Fund:	
Ready Reserve Force ...	$20,444,000
2003 Appropriations:	
National Defense Sealift Fund:	
Ready Reserve Force ...	8,500,000
2004 Appropriations:	
National Defense Sealift Fund:	
Ready Reserve Force ...	6,500,000
2010 Appropriations:	
2010 Appropriations:	
Aircraft Procurement, Army:	
Common Ground Equipment	5,100,000
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Handgun	3,379,000
Lightweight .50 Caliber Machine Gun	974,000
Procurement of Ammunition, Army:	
Artillery Fuzes, All Types	19,000,000
Scorpion, Intelligent Munitions Systems ...	2,674,000
Other Procurement, Army:	
Armored Security Vehicle	13,000,000
Lightweight Counter Mortar Radar	15,000,000
Installation Info Infrastructure Mod Program	5,800,000
Special Equipment for User Testing	17,000,000
Explosive Ordnance Disposal Equipment	5,347,000
Items Less than $5 Million (ENG SPT)	2,500,000
Aircraft Procurement, Navy:	
P–8A	90,000,000
Aircraft Procurement, Air Force:	
C–130	17,471,000
T–38	11,326,000
KC–10A (ATCA)	4,100,000
Missile Procurement, Air Force:	
NPOESS	3,889,000
Other Procurement, Air Force:	
Global Combat Support System (DEAMS)	12,200,000
Procurement, Defense-Wide:	
Maritime Equipment Modifications	716,000
2011 Appropriations:	
Aircraft Procurement, Army:	
Airborne Avionics	21,500,000
Missile Procurement, Army:	
Surface-Launched AMRAAM System	99,800,000
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Lightweight .50 Caliber Machine Gun	18,834,000
Procurement of Ammunition, Army:	
Artillery Fuzes, All Types	15,000,000
Other Procurement, Army	
Armored Security Vehicle	80,000,000
Joint Tactical Radio System	70,000,000
Lightweight Counter Mortar Radar	80,000,000
BCT Unattended Ground Sensor	14,636,000
BCT Network	74,000,000
Special Equipment for User Testing	26,000,000
Ground Soldier System	93,800,000
Aircraft Procurement, Navy:	
P–8A	55,000,000
F–18 Series	23,000,000
Weapons Procurement, Navy:	
Standard Missile Mods	21,427,000
Sidewinder	2,900,000
Airborne Mine Neutralization Systems	9,949,000
Procurement of Ammunition, Navy and Marine Corps:	
General Purpose Bombs	8,612,000
Intermediate Caliber Gun Ammunition	19,650,000
Other Procurement, Navy	
Reactor Power Units ...	6,700,000
Navy Multiband Terminal	48,600,000
Physical Security Equipment	4,298,000
Shipbuilding and Conversion, Navy:	
Littoral Combat Ship AP	110,351,000
Aircraft Procurement, Air Force:	
C–130J AP	30,000,000
F–15	31,340,000
C–130	25,000,000
B–2A (Multi Display Units)	22,579,000
T–38	18,600,000
C–37A	11,731,000
C–40	10,475,000
C–32A	10,411,000
Other Production Charges (NATO)	17,000,000
KC–10A (ATCA)	4,100,000
B–52	1,733,000
Other Production Charges (MQ–1)	37,244,000
Missile Procurement, Air Force:	
GPS III Space Segment	122,500,000
SBIRS High (Space) AP	25,000,000
JASSM	46,400,000
Other Procurement, Air Force:	
Tactical Air Control Party Vehicular Communication System	26,949,000
Global Combat Support System	7,733,000
Combat Training Ranges	3,700,000
Theater Battle Management Command and Control System ..	1,000,000
Modular Aircrew Common Helmet	6,217,000
Special Update Program	2,972,000
Joint Tactical Radio System Ground Mobile Radio	4,297,000
Procurement, Defense-Wide:	
Contamination Avoidance	1,626,000
Installation Force Protection	1,083,000
Individual Protection ..	892,000
Collective Protection ..	329,000
Decontamination	258,000
Joint Bio Defense Program (Medical)	124,000
Research, Development, Test and Evaluation, Army:	
FCS UAV	16,700,000
FCS UAV	6,000,000
FCS Unattended Ground Sensors	5,800,000
Manned Ground Vehicle—GCV	45,000,000
Joint Air-to-Ground Missile	49,700,000
Landmine Warfare Barrier—Scorpion	24,200,000
MLRS PIP—GMLRS AW	5,700,000

Aerial Common Sensor—EMARSS	24,425,000
Aerial Common Sensor—EMARSS Excess Carryover	79,100,000
Ground Combat Vehicle—Change to Acquisition Strategy	100,000,000
Research, Development, Test and Evaluation, Navy:	
Common Mobile Aircrew Restraint System	5,100,000
Multi-Purpose Bomb Rack	10,000,000
FMU–164 Fuze	19,671,000
Retract Elm	5,878,000
Small Diameter Bomb	2,600,000
Joint Air-to-Ground Missile	7,400,000
Navy Meteorological and Ocean Sensors—Space	15,038,000
Research, Development, Test and Evaluation, Air Force:	
JSpOC Mission System	3,500,000
Space Situational Awareness Systems	18,000,000
Agile Combat Support	2,800,000
Joint Strike Fighter	85,000,000
Joint Cargo Aircraft	7,750,000
Evaluation and Analysis Program	17,997,000
Special Evaluation System	47,252,000
Combined Advanced Applications	19,845,000
Defense Reconnaissance Support Activities (SPACE)	11,800,000
Tactical Air Control Party—Mod	2,450,000
B–2	22,000,000
AWACS	19,700,000
Research, Development, Test and Evaluation, Defense-Wide:	
DARPA Undistributed Rescission	126,589,000
DARPA Defense Research Sciences	1,827,000
DTRA Weapons of Mass Destruction Defeat Technologies	10,435,000
DARPA Tactical Technology	10,084,000
DARPA Materials and Biological Technology	1,000,000
DARPA Electronics Technology	500,000
DTRA Counterproliferation Initiatives—Proliferation Prevention and Defeat	11,950,000
DARPA Classified Programs	4,000,000
DARPA Command, Control, and Communications Systems	3,000,000
DARPA Space Programs and Technology	1,000,000
DARPA Advanced Electronics Technologies	1,000,000
DARPA Network-Centric Warfare Technology	1,000,000
MDA BMD Midcourse Defense Segment	23,005,000
OSD UAS Common Development	3,007,000
BTA R&D Activities	6,019,000
DTRA Weapons of Mass Destruction Defeat Capabilities	603,000
BTA DIMHRS	392,000
JIAMDO	18,369,000
OSD Technical Studies, Support, and Analysis	12,321,000
OSD Policy R&D Programs	3,711,000
OSD Net Centricity	3,233,000
JCS Management Headquarters	239,000
ISSP	11,000,000
Defense Health Program:	
Research, Development, Test and Evaluation	257,000

The conference agreement retains a provision proposed by the Senate for the procurement of ball and roller bearings, except for the purchase of ''commercial items'' as defined by section 4(12) of the Office of Federal Procurement Policy Act under certain limitations. The House bill contained a similar provision as defined by section 103 of title 41, United States Code.

The conference agreement retains a provision proposed by the House which prohibits the use of funds to perform repairs or maintenance of military family housing units. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate concerning reporting requirements for any new start advanced concept technology demonstration project or joint capability demonstration project. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the House concerning a grant to the Fisher House Foundation, Inc. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which makes available funds to reimburse the Department of Homeland Security for costs associated with processing and adjudication of applications for naturalization. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate related to funding for the Israeli Cooperative Defense programs. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate regarding Fleet Forces Command control of Navy forces assigned to the Pacific and United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands. The House bill contained a similar provision but did not include restrictions related to the Transportation Command.

The conference agreement modifies a provision proposed by the Senate regarding the transfer of funds provided within Research, Development, Test and Evaluation, Army and Research, Development, Test and Evaluation, Air Force. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the use of funds for nuclear armed interceptors of a missile defense system. The Senate bill contained a similar provision but made it permanent.

The conference agreement retains a provision proposed by the House which provides funding to the United Service Organizations and the Red Cross. The Senate bill contained a similar provision but did not provide funding to the Red Cross.

The conference agreement modifies a provision proposed by the Senate which provides funding of up to $200,000,000 from Operation and Maintenance, Defense-Wide, to be combined with funds from the Department of State, should a Global Security Contingency Fund be created. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which requires submission of P–1 exhibit and R–1 exhibits for National Intelligence programs based on certain dollar thresholds. The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which reduces funding appropriated in Operation and Maintenance, Army to reflect excess cash balances in the Working Capital Funds. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which requires submission of a baseline for reprogramming at the project level. The House bill contained a similar provision which required submission of the baseline at the subproject level.

The conference agreement modifies a provision proposed by the House establishing prior approval reprogramming and transfer procedures for National Intelligence Programs. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which provides for the transfer of funds by the Director of National Intelligence to other departments and agencies for purposes of government-wide information sharing activities. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which provides funds for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the House which extends the period of time during which claims for retroactive stop-loss special pay may be submitted. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which places a limitation on the total number of Senior Executive Service employees in the Office of the Director of National Intelligence and requires submission of certain reports. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding Anti-Deficiency Act violations in the military personnel accounts. The provision requires the Inspector General of the Department of Defense to conduct a review of the violations and make recommendations for corrective actions to be implemented. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House to provide grants through the Office of Economic Adjustment to assist the civilian population of Guam. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding parking spaces provided by the BRAC 133 project. The Senate contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the Secretary of the Air Force from transferring Air Force Material Command functions until after the Secretary transmits a report. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding reporting requirements for civilian personnel end strength by appropriation account. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides funding from Research, Development, Test

and Evaluation, Army to conduct research on alternative energy resources for the deployed forces. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which requires the Department to report on the feasibility of using commercially available telecommunications expense management solutions. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to separate the National Intelligence Program from the Department of Defense budget. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which provides general transfer authority of $2,000,000,000 for funds made available for the intelligence community. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations. The Senate bill contained no similar provision.

The conference agreement modifies language proposed by the House which prohibits the use of current and prior year funds from being used to transfer detainees from Naval Station Guantanamo Bay, Cuba to the United States. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House which requires certain certifications prior to the transfer of detainees from Naval Station Guantanamo Bay, Cuba to foreign countries. The Senate bill contained a similar provision.

The conference agreement modifies language proposed by the House which prohibits the use of current and prior year funds from being used to construct, renovate, or modify U.S. facilities to house any detainees at Naval Station Guantanamo Bay, Cuba. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House which provides funds to conduct an assessment of the current and prospective situation on the ground in Afghanistan and Pakistan. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which directs the Secretary of Defense to submit a report regarding the efficiency savings identified in the fiscal year 2012–2016 budgets. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funding from being used to enter into agreements with corporations with unpaid tax liabilities. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funding from being used to enter into agreements with a corporation that was convicted of a federal criminal violation in the past 24 months. The Senate bill contained no similar provision.

The conference agreement includes a new provision which creates a Military Intelligence Program Transfer Fund. The House bill and Senate bill contained no similar provisions.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the Trafficking Victims Protection Act of 2000. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the Child Soldier Prevention Act of 2008. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the War Powers Resolution. The Senate bill contained no similar provision.

TITLE IX—OVERSEAS CONTINGENCY OPERATIONS

The conference agreement provides $115,082,635,000 in Title IX, Overseas Contingency Operations, instead of $118,669,277,000 as proposed by the House and $117,583,000,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

REPORTING REQUIREMENTS

The conferees direct that the Department continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on the monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, Chapter 23, Volume 12. The conferees further direct the Department to continue providing Cost of War reports to the congressional defense committees that include the following information by appropriation account: Funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title.

MILITARY ACTIVITIES IN LIBYA

General provisions 10003 and 10017, included in the House version of the Department of Defense Appropriations bill, restricted the use of Department of Defense funding for certain activities in or against Libya. The conference agreement does not include those provisions. Since the House passage of the Department of Defense Appropriations bill, political conditions in Libya have changed and power has transferred to a new regime.

As part of a greater NATO force, the United States participated in, and took direct forceful action against the country of Libya to topple its former regime. The action was successful and fortunately no American lives were lost during this incursion. However, the conferees insist that when determining that military engagements are necessary, the President is subject to the terms of the War Powers Resolution (50 U.S.C. 1541 et seq.).

EXTREMIST ORGANIZATIONS

The conferees are aware that certain governments and organizations such as the Government of Iran, Hamas, and Hizbullah have policies and practices counter to the best interests of the United States. The conferees reiterate that extremist governments and organizations should not be funded by this Act and that the conferees will closely monitor the expenditure of funds by the Department of Defense regarding such matters.

HUMAN RIGHTS ABUSES

The House included language directing reports on human rights abuses. The conferees direct the initial report be completed not later than 60 days after enactment of this Act and quarterly throughout the fiscal year.

MILITARY PERSONNEL

The conference agreement provides $11,639,252,000 for Military Personnel, instead of $10,813,624,000 as proposed by the House and $11,657,252,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

M-1	Budget Request	Conference
MILITARY PERSONNEL, ARMY		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	783,035	783,035
RETIRED PAY ACCRUAL	205,290	205,290
BASIC ALLOWANCE FOR HOUSING	221,322	221,322
BASIC ALLOWANCE FOR SUBSISTENCE	27,183	27,183
INCENTIVE PAYS	7,381	7,381
SPECIAL PAYS	64,012	64,012
ALLOWANCES	31,498	31,498
SEPARATION PAY	850	850
SOCIAL SECURITY TAX	59,901	59,901
TOTAL, BA-1	1,400,472	1,400,472
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	1,820,510	1,820,510
RETIRED PAY ACCRUAL	478,020	478,020
BASIC ALLOWANCE FOR HOUSING	694,535	694,535
INCENTIVE PAYS	15,145	15,145
SPECIAL PAYS	313,753	313,753
ALLOWANCES	182,153	182,153
SEPARATION PAY	6,192	6,192
SOCIAL SECURITY TAX	139,271	139,271
TOTAL, BA-2	3,649,579	3,649,579
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	305,468	305,468
SUBSISTENCE-IN-KIND	1,155,870	1,155,870
TOTAL, BA-4	1,461,338	1,461,338
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL		
OPERATIONAL TRAVEL	56,308	56,308
ROTATIONAL TRAVEL	29,861	29,861
SEPARATION TRAVEL	23,685	23,685
TOTAL, BA-5	109,854	109,854
BA-6: OTHER MILITARY PERSONNEL COSTS		
INTEREST ON UNIFORMED SERVICES SAVINGS	9,674	9,674
DEATH GRATUITIES	29,000	29,000
UNEMPLOYMENT BENEFITS	289,232	289,232
RESERVE INCOME REPLACEMENT PROGRAM	472	472
SGLI EXTRA HAZARD PAYMENTS	125,924	125,924
TRAMATIC INJURY PROTECTION COVERAGE	29,790	29,790
TOTAL, BA-6	484,092	484,092
UNDISTRIBUTED ADJUSTMENTS		90,000
Undistributed transfer from title I		90,000
TOTAL, MILITARY PERSONNEL, ARMY	7,105,335	7,195,335

M-1	Budget Request	Conference
MILITARY PERSONNEL, NAVY		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	133,868	133,868
RETIRED PAY ACCRUAL	32,533	32,533
BASIC ALLOWANCE FOR HOUSING	41,612	41,612
BASIC ALLOWANCE FOR SUBSISTENCE	4,334	4,334
INCENTIVE PAYS	2,993	2,993
SPECIAL PAYS	27,504	27,504
ALLOWANCES	13,898	13,898
SOCIAL SECURITY TAX	10,242	10,242
TOTAL, BA-1	266,984	266,984
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	171,419	171,419
RETIRED PAY ACCRUAL	41,655	41,655
BASIC ALLOWANCE FOR HOUSING	83,688	83,688
INCENTIVE PAYS	940	940
SPECIAL PAYS	102,127	102,127
ALLOWANCES	29,854	29,854
SEPARATION PAY	61	61
SOCIAL SECURITY TAX	13,113	13,113
TOTAL, BA-2	442,857	442,857
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	19,651	19,651
SUBSISTENCE-IN-KIND	15,845	15,845
TOTAL, BA-4	35,496	35,496
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	5,123	5,123
OPERATIONAL TRAVEL	23,490	23,490
ROTATIONAL TRAVEL	29,573	29,573
SEPARATION TRAVEL	3,077	3,077
TOTAL, BA-5	61,263	61,263
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	1,300	1,300
UNEMPLOYMENT BENEFITS	50,111	50,111
SGLI EXTRA HAZARD PAYMENTS	61,023	61,023
TOTAL, BA-6	112,434	112,434
UNDISTRIBUTED ADJUSTMENT		340,200
Undistributed transfer from title I		340,200
TOTAL, MILITARY PERSONNEL, NAVY	919,034	1,259,234
MILITARY PERSONNEL, MARINE CORPS		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	80,579	80,579
RETIRED PAY ACCRUAL	19,581	19,581
BASIC ALLOWANCE FOR HOUSING	25,949	25,949
BASIC ALLOWANCE FOR SUBSISTENCE	2,513	2,513
SPECIAL PAYS	10,799	10,799
ALLOWANCES	6,607	6,607
SEPARATION PAY	7,427	7,427
SOCIAL SECURITY TAX	6,164	6,164
TOTAL, BA-1	159,619	159,619

M-1	Budget Request	Conference
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	149,515	149,515
RETIRED PAY ACCRUAL	36,331	36,331
BASIC ALLOWANCE FOR HOUSING	83,814	83,814
SPECIAL PAYS	82,196	82,196
ALLOWANCES	36,520	36,520
SEPARATION PAY	7,085	7,085
SOCIAL SECURITY TAX	11,438	11,438
TOTAL, BA-2	406,899	406,899
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	20,286	20,286
TOTAL, BA-4	20,286	20,286
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ROTATIONAL TRAVEL	16,142	16,142
TOTAL, BA-5	16,142	16,142
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	14,100	14,100
UNEMPLOYMENT BENEFITS	19,942	33,942
Marine Corps Identified Shortfall		14,000
SGLI EXTRA HAZARD PAYMENTS	38,372	38,372
TOTAL, BA-6	72,414	86,414
UNDISTRIBUTED ADJUSTMENT		25,000
Undistributed Transfer from title I		25,000
TOTAL, MILITARY PERSONNEL, MARINE CORPS	675,360	714,360
MILITARY PERSONNEL, AIR FORCE		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	209,858	209,858
RETIRED PAY ACCRUAL	51,095	51,095
BASIC ALLOWANCE FOR HOUSING	62,658	62,658
BASIC ALLOWANCE FOR SUBSISTENCE	7,105	7,105
SPECIAL PAYS	19,631	19,631
ALLOWANCES	9,952	9,952
SOCIAL SECURITY TAX	16,049	16,049
TOTAL, BA-1	376,348	376,348
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	425,491	425,491
RETIRED PAY ACCRUAL	103,567	103,567
BASIC ALLOWANCE FOR HOUSING	178,846	178,846
SPECIAL PAYS	82,061	82,061
ALLOWANCES	29,422	29,422
SOCIAL SECURITY TAX	32,550	32,550
TOTAL, BA-2	851,937	851,937
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	43,965	43,965
SUBSISTENCE-IN-KIND	71,506	71,506
TOTAL, BA-4	115,471	115,471
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
OPERATIONAL TRAVEL	6,096	6,096
TOTAL, BA-5	6,096	6,096

M-1	Budget Request	Conference
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	2,000	2,000
UNEMPLOYMENT BENEFITS	19,924	19,924
SGLI EXTRA HAZARD PAYMENTS	64,577	64,577
TOTAL, BA-6	86,501	86,501
UNDISTRIBUTED ADJUSTMENT		56,028
Undistributed Transfer from title I		56,028
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,436,353	1,492,381
RESERVE PERSONNEL, ARMY		
BA-1: UNIT AND INDIVIDUAL TRAINING		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	77,212	77,212
SCHOOL TRAINING	7,591	7,591
SPECIAL TRAINING	122,359	122,359
TOTAL, BA-1	207,162	207,162
TOTAL, RESERVE PERSONNEL, ARMY	207,162	207,162
RESERVE PERSONNEL, NAVY		
BA-1: UNIT AND INDIVIDUAL TRAINING		
SCHOOL TRAINING	4,144	4,144
SPECIAL TRAINING	37,508	37,508
ADMINISTRATION AND SUPPORT	2,878	2,878
TOTAL, BA-1	44,530	44,530
TOTAL, RESERVE PERSONNEL, NAVY	44,530	44,530
RESERVE PERSONNEL, MARINE CORPS		
BA-1: UNIT AND INDIVIDUAL TRAINING		
SCHOOL TRAINING	5,582	5,582
SPECIAL TRAINING	19,466	19,466
ADMINISTRATION AND SUPPORT	373	373
TOTAL, BA-1	25,421	25,421
TOTAL, RESERVE PERSONNEL, MARINE CORPS	25,421	25,421
RESERVE PERSONNEL, AIR FORCE		
BA-1: UNIT AND INDIVIDUAL TRAINING		
SPECIAL TRAINING	26,815	26,815
TOTAL, BA-1	26,815	26,815
TOTAL, RESERVE PERSONNEL, AIR FORCE	26,815	26,815
NATIONAL GUARD PERSONNEL, ARMY		
BA-1: UNIT AND INDIVIDUAL TRAINING		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	139,341	139,341
SCHOOL TRAINING	20,557	20,557
SPECIAL TRAINING	422,107	422,107
ADMINISTRATION AND SUPPORT	79,874	64,874
Unjustified growth		-15,000
TOTAL, BA-1	661,879	646,879
UNDISTRIBUTED ADJUSTMENT		17,700

M-1	Budget Request	Conference
Undistributed Transfer from title I		17,700
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	**661,879**	**664,579**
NATIONAL GUARD PERSONNEL, AIR FORCE		
BA-1: UNIT AND INDIVIDUAL TRAINING		
SPECIAL TRAINING	**9,435**	**9,435**
TOTAL, BA-1	**9,435**	**9,435**
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	**9,435**	**9,435**
TOTAL, MILITARY PERSONNEL	**11,111,324**	**11,639,252**

OPERATION AND MAINTENANCE

The conference agreement provides $89,016,326,000 for Operation and Maintenance, instead of $89,780,293,000 as proposed by the House and $90,546,851,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	Conference
	OPERATION AND MAINTENANCE, ARMY		
114	**THEATER LEVEL ASSETS**	**3,424,314**	**3,485,083**
	Transfer from title II - Chemical Defense Equipment Sustainment		8,579
	Transfer from title II - Combined Arms Training Strategy		23,198
	Transfer from title II - Theater Demand Reduction		18,692
	Transfer from title II - UAS--Gray Eagle Satellite Service		10,300
115	**LAND FORCES OPERATIONS SUPPORT**	**1,534,886**	**1,707,704**
	Transfer from title II - MRAP Vehicle Sustainment at Combat Training Centers		6,420
	Transfer from title II - Combat Training Center Role Players		30,091
	Transfer from title II - Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		12,062
	Transfer from title II - Joint Maneuver Readiness Center Opposing Force Augmentation		4,545
	Transfer from title II - Joint Readiness Training Center Opposing Force Augmentation		26,940
	Transfer from title II - National Training Center Tier Two Level Maintenance Contract		24,000
	Transfer from title II - National Training Center War Fighter Focus		26,650
	Transfer from title II - Sustainment Brigade and Functional Brigade Warfighter Exercise		20,285
	Transfer from title II - Theater Demand Reduction		14,984
	Transfer from title II - Tube-Launched, Optically-Tracked, Wire-Guided Missile Improved Target Acquisition System Contract Logistics Support		6,841
116	**AVIATION ASSETS**	**87,166**	**155,278**
	Transfer from title II - Combined Arms Training Strategy		6,607
	Transfer from title II - Theater Demand Reduction		61,505
121	**FORCE READINESS OPERATIONS SUPPORT**	**2,675,821**	**2,816,477**
	Transfer from title II - Body Armor Sustainment		71,660
	Transfer from title II - Rapid Equipping Force Readiness		9,294
	Transfer from title II - Battle Simulation Centers		59,702
122	**LAND FORCES FORCES SYSTEMS READINESS**	**579,000**	**605,332**
	Transfer from title II - Fixed Wing Life Cycle Contract Support		21,171
	Transfer from title II - Capability Development and Integration		5,161
123	**LAND FORCES DEPOT MAINTENANCE**	**1,000,000**	**1,000,000**
131	**BASE OPERATIONS SUPPORT**	**951,371**	**1,191,707**
	Transfer from title II - Overseas Security Guards		200,000
	Transfer from title II - Senior Leader Initiative: Comprehensive Soldier Fitness Program		30,000
	Transfer from title II - Training Range Maintenance		10,336
132	**FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION**	**250,000**	**250,000**
135	**ADDITIONAL ACTIVITIES**	**22,998,441**	**24,872,494**
	Transfer from title II and Program Reduction - Military Information Support Operations		-40,625
	Synchronization Pre-Deployment and Operational Tracker Fully Funded in O&M DW Base Request in fiscal year 2012		-12,000
	Transfer from title II SAG 111 - Combined Arms Training Strategy		217,376
	Transfer from title II SAG 111 - MRAP Vehicle Sustainment		2,539
	Transfer from title II SAG 111 - Theater Demand Reduction		148,194
	Transfer from title II SAG 112 - Combined Arms Training Strategy		11,752

O-1		Budget Request	Conference
	Transfer from title II SAG 112 - Theater Demand Reduction		2,282
	Transfer from title II SAG 113 - Combined Arms Training Strategy		74,852
	Transfer from title II SAG 321 - Survivability and Maneuverability Training		15,183
	Transfer from title II - Readiness (transfer from BA-1 undistributed)		1,454,500
136	**COMMANDERS EMERGENCY RESPONSE PROGRAM**	**425,000**	**400,000**
	CERP Iraq	25,000	0
	Unjustified Request for CERP Iraq		-25,000
	CERP Afghanistan	400,000	400,000
137	**RESET**	**3,955,429**	**3,955,429**
411	**SECURITY PROGRAMS**	**2,476,766**	**2,436,766**
	ARGUS A-160 deployment delays		-40,000
421	**SERVICEWIDE TRANSPORTATION**	**3,507,186**	**3,507,186**
422	**CENTRAL SUPPLY ACTIVITIES**	**50,740**	**50,740**
424	**AMMUNITION MANAGEMENT**	**84,427**	**84,427**
432	**SERVICEWIDE COMMUNICATIONS**	**66,275**	**40,075**
	Transfer to title II - Automated Biometric Identification System		-26,200
434	**OTHER PERSONNEL SUPPORT**	**143,391**	**143,391**
435	**OTHER SERVICE SUPPORT**	**92,067**	**92,067**
	Department of Defense-Identified Excess to Requirement		-2,000,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY	**44,302,280**	**44,794,156**
	OPERATION AND MAINTENANCE, NAVY		
1A1A	**MISSION AND OTHER FLIGHT OPERATIONS**	**1,058,114**	**1,301,614**
	Unjustified Growth for Temporary Duty		-20,000
	Transfer from title II - Flying Hours		180,945
	Transfer from title II - MV 22B Pricing Variance		82,555
1A2A	**FLEET AIR TRAINING**	**7,700**	**7,700**
1A3A	**AVIATION TECHNICAL DATA & ENGINEERING SVCS**	**9,200**	**9,200**
1A4A	**AIR OPERATIONS AND SAFETY SUPPORT**	**12,934**	**12,934**
1A4N	**AIR SYSTEMS SUPPORT**	**39,566**	**39,566**
1A5A	**AIRCRAFT DEPOT MAINTENANCE**	**174,052**	**174,052**
1A6A	**AIRCRAFT DEPOT OPERATIONS SUPPORT**	**1,586**	**1,586**
1A9A	**AVIATION LOGISTICS**	**50,852**	**50,852**
1B1B	**MISSION AND OTHER SHIP OPERATIONS**	**1,132,948**	**1,107,948**
	Realignment of Funding to SAG 2C1H not Accounted for in Budget Documentation		-25,000
1B2B	**SHIP OPERATIONS SUPPORT & TRAINING**	**26,822**	**26,822**
1B4B	**SHIP DEPOT MAINTENANCE**	**998,172**	**998,172**
1C1C	**COMBAT COMMUNICATIONS**	**26,533**	**26,533**
1C4C	**WARFARE TACTICS**	**22,657**	**22,657**
1C5C	**OPERATIONAL METEOROLOGY AND OCEANOGRAPHY**	**28,141**	**28,141**
1C6C	**COMBAT SUPPORT FORCES**	**1,932,640**	**2,125,441**
	Transfer from title II - Naval Expeditionary Combat Command Increases		192,801
1C7C	**EQUIPMENT MAINTENANCE**	**19,891**	**19,891**
1CCH	**COMBATANT COMMANDERS CORE OPERATIONS**	**5,465**	**5,465**
1CCM	**COMBATANT COMMANDERS DIRECT MISSION SUPPORT**	**2,093**	**14,393**
	Transfer from title II and Program Reduction - Military Information Support Operations		4,000
	Transfer from title II - JSOTF-Philippines		8,300
1D3D	**IN-SERVICE WEAPONS SYSTEMS SUPPORT**	**125,460**	**134,460**
	Transfer from title II - Naval Expeditionary Combat Command		9,000

O-1		Budget Request	Conference
1D4D	WEAPONS MAINTENANCE	201,083	166,083
	Unjustified Growth for Weapons Sustainment		-35,000
1D7D	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
BSIT	ENTERPRISE INFORMATION	5,095	0
	Navy-Identified Excess for Network Management Systems		-5,095
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	26,793	26,793
BSS1	BASE OPERATING SUPPORT	352,210	394,880
	Civilian Pay Overstatement due to no Requirement for FTE in this SAG		-7,330
	Transfer from title II - Regional/Emergency Operations Center		50,000
	Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		495,000
2A1F	SHIP PREPOSITIONING AND SURGE	29,010	29,010
2C1H	FLEET HOSPITAL PROGRAM	34,300	39,304
	Transfer from title II - Medical/Equipment costs for USNS MERCY		5,004
2C3H	COAST GUARD SUPPORT	258,278	0
	Direct Appropriation to Department of Homeland Security		-258,278
3B1K	SPECIALIZED SKILL TRAINING	69,961	72,961
	Transfer from title II - Naval Sea Systems Command Visit, Board, Search and Seizure/Explosive Ordnance DeviceTraining		3,000
3B4K	TRAINING SUPPORT	5,400	5,400
4A1M	ADMINISTRATION	2,348	2,348
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	18,699
	Transfer from title II - Family Readiness Programs		3,557
	Transfer from title II - Navy Manpower and Personnel System/NSIPS		9,000
4A5M	OTHER PERSONNEL SUPPORT	5,849	5,849
4A6M	SERVICEWIDE COMMUNICATIONS	28,511	28,511
4B1N	SERVICEWIDE TRANSPORTATION	263,593	238,593
	Unjustified Growth for Transportation Estimates		-25,000
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
4C1P	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
999	OTHER PROGRAMS	16,658	16,658
	TOTAL, OPERATION AND MAINTENANCE, NAVY	7,006,567	7,674,026
	OPERATION AND MAINTENANCE, MARINE CORPS		
1A1A	OPERATIONAL FORCES	2,069,485	2,086,485
	Marine Corps Requested Transfer for Family of Shelters from P, MC line 38		17,000
1A2A	FIELD LOGISTICS	575,843	575,843
1A3A	DEPOT MAINTENANCE	251,100	363,100
	Transfer from title II - Depot Maintenance		112,000
BSS1	BASE OPERATING SUPPORT	82,514	82,514
	Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		235,000
3B4D	TRAINING SUPPORT	209,784	209,784
4A3G	SERVICEWIDE TRANSPORTATION	376,495	376,495
4A4G	ADMINISTRATION	5,989	5,989
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	3,571,210	3,935,210

O-1		Budget Request	Conference
	OPERATION AND MAINTENANCE, AIR FORCE		
011A	PRIMARY COMBAT FORCES	2,115,901	2,185,901
	Transfer from title II - Theater Security Package		70,000
011C	COMBAT ENHANCEMENT FORCES	2,033,929	2,033,929
011D	AIR OPERATIONS TRAINING	46,844	46,844
011M	DEPOT MAINTENANCE	312,361	312,361
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	334,950	334,950
011Z	BASE OPERATING SUPPORT	641,404	641,404
012A	GLOBAL C3I AND EARLY WARNING	69,330	69,330
012C	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	297,015	297,015
013C	SPACE CONTROL SYSTEMS	16,833	16,833
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	46,390	91,550
	Transfer from title II and Program Reduction - Military Information Support Operations		27,800
	Transfer from title II - CENTCOM HQ C4		12,500
	Transfer from title II - CENTCOM Public Affairs		4,860
	Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		470,000
021A	AIRLIFT OPERATIONS	3,533,338	3,133,338
	Reduction for Airlift Operations Transportation Rates		-400,000
021D	MOBILIZATION PREPAREDNESS	85,416	85,416
021M	DEPOT MAINTENANCE	161,678	161,678
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	9,485	9,485
021Z	BASE SUPPORT	30,033	30,033
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	908	908
031Z	BASE SUPPORT	2,280	2,280
032A	SPECIALIZED SKILL TRAINING	29,592	29,592
032B	FLIGHT TRAINING	154	154
032C	PROFESSIONAL DEVELOPMENT EDUCATION	691	691
032D	TRAINING SUPPORT	753	753
041A	LOGISTICS OPERATIONS	155,121	155,121
041Z	BASE SUPPORT	20,677	20,677
042A	ADMINISTRATION	3,320	3,320
042B	SERVICEWIDE COMMUNICATIONS	111,561	111,561
042G	OTHER SERVICEWIDE ACTIVITIES	605,223	605,223
043A	SECURITY PROGRAMS	54,000	54,000
	Unjustified Growth in Civilian Personnel Costs		-25,000
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	10,719,187	10,879,347
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
1PLT1	JOINT CHIEFS OF STAFF	2,000	2,000
1PL2	SPECIAL OPERATIONS COMMAND	3,269,939	3,298,739
	Transfer from title II and Program Reduction - Military Information Support Operations		53,800
	Unjustified Program Growth in Operating Support for Operation New Dawn		-25,000
ES18	DEFENSE MEDIA ACTIVITY	15,457	15,457
4GT6	DEFENSE CONTRACT AUDIT AGENCY	23,478	23,478
4GT9	DEFENSE INFORMATION SYSTEMS AGENCY	164,520	164,520
4GT0	DEFENSE CONTRACT MANAGEMENT AGENCY	87,925	87,925
4GTA	DEFENSE LEGAL SERVICES AGENCY	102,322	67,322
	Unjustified Program Growth		-35,000
46TJ	DEFENSE DEPENDENTS EDUCATION	194,100	267,100
	Transfer from title II - Child Care and Counseling		73,000

O-1		Budget Request	Conference
4GTD	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,140,000
	Lift and Sustain	450,000	450,000
	Coalition Support Funds	1,750,000	1,690,000
	Coalition Support Funds: Excess to Need for Contract Renewal		-60,000
4GTN	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
9999	OTHER PROGRAMS	3,065,800	3,041,800
	Classified Adjustment		-24,000
	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	9,269,411	9,252,211
	OPERATION AND MAINTENANCE, ARMY RESERVE		
113	ECHELONS ABOVE BRIGADE	84,200	84,200
115	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
121	FORCES READINESS OPERATIONS SUPPORT	20,700	20,700
131	BASE OPERATIONS SUPPORT	84,500	84,500
	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	217,500	217,500
	OPERATION AND MAINTENANCE, NAVY RESERVE		
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
1A3A	INTERMEDIATE MAINTENANCE	400	400
1A5A	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
1B1B	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
1C6C	COMBAT SUPPORT FORCES	13,827	13,827
BSSR	BASE OPERATING SUPPORT	52	52
	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	74,148	74,148
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		
1A1A	OPERATING FORCES	31,284	31,284
BSS1	BASE OPERATING SUPPORT	4,800	4,800
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	36,084	36,084
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE		
011A	PRIMARY COMBAT FORCES	4,800	4,800
011M	DEPOT MAINTENANCE	131,000	131,000
011Z	BASE OPERATING SUPPORT	6,250	6,250
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	142,050	142,050
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		
111	MANEUVER UNITS	89,930	89,930
116	AVIATION ASSETS	130,848	130,848
121	FORCE READINESS OPERATIONS SUPPORT	110,011	100,011

O-1		Budget Request	Conference
	Duplicate Request for Military Pay Support Contract (Requested in both SAG 121 and SAG 131)		-10,000
131	**BASE OPERATIONS SUPPORT**	**34,788**	**34,788**
133	**MANAGEMENT AND OPERATIONAL HEADQUARTERS**	**21,967**	**21,967**
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	**387,544**	**377,544**
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		
011G	**MISSION SUPPORT OPERATIONS**	**34,050**	**34,050**
	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	**34,050**	**34,050**
	AFGHANISTAN INFRASTUCTURE FUND		
	POWER	**300,000**	**300,000**
	TRANSPORTATION	**100,000**	**100,000**
	WATER	**50,000**	**50,000**
	OTHER RELATED ACTIVITIES	**25,000**	**25,000**
	Fiscal year 2011 level		-75,000
	TOTAL, AFGHANISTAN INFRASTUCTURE FUND	**475,000**	**400,000**
	AFGHANISTAN SECURITY FORCES FUND		
	AFGHAN NATIONAL ARMY	**7,055,102**	**6,521,897**
	Infrastructure	1,304,350	1,304,350
	Equipment and Transportation	1,667,905	1,432,490
	Revised Combined Security Transition Command Afghanistan requirement		-235,415
	Training and Operations	751,073	751,073
	Sustainment	3,331,774	3,033,984
	Revised Combined Security Transition Command Afghanistan requirement		-297,790
	AFGHAN NATIONAL POLICE	**5,700,149**	**4,633,354**
	Infrastructure	1,128,584	1,128,584
	Equipment and Transportation	1,530,420	601,915
	Revised Combined Security Transition Command Afghanistan requirement		-928,505
	Training and Operations	1,102,430	1,102,430
	Sustainment	1,938,715	1,800,425
	Revised Combined Security Transition Command Afghanistan requirement		-138,290
	RELATED ACTIVITIES	**44,749**	**44,749**
	Detainee Operations - Sustainment	21,187	21,187
	Detainee Operations - Training and Operations	7,344	7,344
	Detainee Operations - Infrastructure	15,000	15,000
	Detainee Operations - Equipment	1,218	1,218
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	**12,800,000**	**11,200,000**
	TOTAL, OPERATION AND MAINTENANCE	**89,035,031**	**89,016,326**

PAKISTAN COUNTERINSURGENCY FUND

The House version of the Department of Defense Appropriations bill included $1,100,000,000 for the Pakistan Counterinsurgency Fund. The Senate included an appropriation for this fund in the State, Foreign Operations, and Related Agencies Appropriations bill. The fund is addressed in the State, Foreign Operations, and Related Agencies Division of this Act.

AFGHANISTAN RESOURCES OVERSIGHT COUNCIL

The conferees have modified Section 9009 of the Senate version of the Department of Defense Appropriations bill to include revised thresholds for contracts requiring approval of the Afghanistan Resources Oversight Council (AROC) and other responsibilities of the AROC. As outlined in this section, the AROC is responsible for approving all financial and activity plans for the Afghanistan Security Forces Fund (ASFF). The conferees direct the AROC to establish policies, regulations, and processes to include consideration of the extent of competition and the relevant qualifications and eligibility of contractors as part of the acquisition plan for major purchases of goods and services. The conferees further direct the AROC to establish business rules and criteria for reviewing ASFF construction and sustainment plans for infrastructure and to establish a plan for the oversight of contractor performance and services and goods rendered. These are critical steps in ensuring that proper oversight is conducted on one of the largest Department of Defense programs.

PROCUREMENT

The conference agreement provides $13,633,461,000 for Procurement, instead of $13,375,288,000 as proposed by the House and $15,518,701,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	Conference
	AIRCRAFT PROCUREMENT, ARMY		
2	C-12 CARGO AIRPLANE (OCO)	10,500	0
	No justified requirement		-10,500
4	MQ-1 UAV (OCO)	0	550,798
	Transfer from title III		550,798
5	RQ-11 (RAVEN) (OCO)	0	15,300
	Army requested acceleration of 84 war replacement air vehicles		15,300
8	AH-64 BLOCK II/WRA (OCO)	35,500	0
	Funding ahead of need		-35,500
12	UH-60 BLACKHAWK (OCO)	72,000	180,100
	Army requested acceleration of six War Replacement aircraft		108,100
17	KIOWA WARRIOR UPGRADE (OH-58 D)/WRA(OCO)	145,500	100,800
	Limit ramp rate on replacement aircraft by reducing four aircraft		-44,700
19	MQ-1 PAYLOAD - UAS (OCO)	10,800	146,983
	Transfer from title III		136,183
22	MULTI SENSOR ABN RECON (MIP) (OCO)	54,500	54,500
33	RQ-7 UAV MODS (OCO)	94,600	88,900
	Vader - Incompatible with Host Platform		-79,800
	Army requested acceleration of 57 War Replacement Aircraft		74,100
	TOTAL AIRCRAFT PROCUREMENT, ARMY	423,400	1,137,381
	MISSILE PROCUREMENT, ARMY		
4	HELLFIRE SYS SUMMARY (OCO)	107,556	107,556
9	GUIDED MLRS ROCKET (GMLRS) (OCO)	19,000	19,000
	TOTAL MISSILE PROCUREMENT, ARMY	126,556	126,556
	PROCUREMENT OF W&TCV, ARMY		
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN (OCO)	5,427	5,427
29	COMMON REMOTELY OPERATED WEAPONS STATION (OCO)	14,890	14,890
33	M4 CARBINE MODS (OCO)	16,800	16,800
	TOTAL PROCUREMENT OF W&TCV, ARMY	37,117	37,117
	PROCUREMENT OF AMMUNITION, ARMY		
4	CTG, HANDGUN, ALL TYPES (OCO)	1,200	1,200
9	CTG, 30MM, ALL TYPES (OCO)	4,800	4,800
10	CTG, 40MM, ALL TYPES (OCO)	38,000	38,000
13	81MM MORTAR, ALL TYPES (OCO)	8,000	8,000
14	120MM MORTAR, ALL TYPES (OCO)	49,140	49,140
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES (OCO)	10,000	10,000
22	ARTILLERY FUZES, ALL TYPES (OCO)	5,000	5,000
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES (OCO)	5,000	5,000
28	ROCKET, HYDRA 70, ALL TYPES (OCO)	53,841	53,841
29	DEMOLITION MUNITIONS, ALL TYPES (OCO)	16,000	16,000
31	SIGNALS, ALL TYPES (OCO)	7,000	7,000
32	SIMULATORS, ALL TYPES (OCO)	8,000	8,000

P-1		Budget Request	Conference
36	CAD/PAD ALL TYPES (OCO)	2,000	2,000
37	ITEMS LESS THAN $5 MILLION (OCO)	400	400
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	208,381	208,381
	OTHER PROCUREMENT, ARMY		
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO)	11,094	11,094
7	FAMILY OF HEAVY TACTICAL VEHICLES (OCO)	47,214	47,214
23	NON-TACTICAL VEHICLES, OTHER (OCO)	3,600	3,600
25	WIN-T -GROUND FORCES TACTICAL NETWORK (OCO)	547	547
39	JOINT TACTICAL RADIO SYSTEM (OCO)	450	0
	Handheld, Manpack, Small Form-fit radios for LEMV#2 early to need		-450
42	AMC CRITICAL ITEMS - OPA2 (OCO)	8,141	8,141
49	GUNSHOT DETECTION SYSTEM (GDS) (OCO)	44,100	10,100
	Concurrent development		-34,000
51	MEDICAL COMM FOR CBT CASUALTY CARE (OCO)	6,443	6,443
56	INFORMATION SYSTEM SECURITY PROGRAM (OCO)	54,730	0
	Army requested transfer to line 56a		-54,730
56a	FAMILY OF BIOMETRICS (OCO)	0	54,730
	Transfer from line 56		54,730
58	BASE SUPPORT COMMUNICATIONS (OCO)	5,000	5,000
62	INSTALLATION INFO INFRASTRUCTURE MOD (OCO)	169,500	169,500
70	DCGS-A (MIP) (OCO)	83,000	83,000
	Transfer from title III		0
72	TROJAN (MIP) (OCO)	61,100	61,100
76	LIGHTWEIGHT COUNTER MORTAR RADAR (OCO)	54,100	54,100
79	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIES (OCO)	53,000	53,000
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (OCO)	48,600	24,200
	ISR Task Force identified excess		-20,000
	Platforms unavailable		-4,400
84	SENSE THROUGH THE WALL (STTW) (OCO)	10,000	10,000
95	PROFILER (OCO)	2,000	2,000
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO)	30,400	30,400
98	JOINT BATTLE COMMAND--PLATFORM (JBC-P) (OCO)	148,335	148,335
102	COUNTERFIRE RADARS (OCO)	110,548	110,548
105	FIRE SUPPORT C2 FAMILY (OCO)	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (OCO)	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYSTEM (OCO)	28,000	28,000
109	KNIGHT FAMILY (OCO)	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE (OCO)	32,800	32,800
115	MANEUVER CONTROL SYSTEM (OCO)	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) (OCO)	18,000	18,000
121	AUTOMATED DATA PROCESSING EQUIP (OCO)	10,000	10,000
128	PROTECTIVE SYSTEMS (OCO)	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (OCO)	30,000	10,000
	Acoustic Hailing Device contract delay		-20,000
131	CBRN SOLDIER PROTECTION (OCO)	1,200	1,200
133	TACTICAL BRIDGING (OCO)	15,000	15,000
134	TACTICAL BRIDGING, FLOAT RIBBON (OCO)	26,900	26,900
138	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	3,205	3,205
149	FORCE PROVIDER (OCO)	68,000	68,000

P-1		Budget Request	Conference
158	COMBAT SUPPORT MEDICAL (OCO)	15,011	15,011
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO)	25,129	25,129
177	GENERATORS AND ASSOCIATED EQUIPMENT (OCO)	0	36,000
	Army identified unfunded requirement		36,000
180	ALL TERRAIN LIFTING ARMY SYSTEM (OCO)	1,800	1,800
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT (OCO)	43,000	22,000
	Unobligated prior year funds		-21,000
190	PHYSICAL SECURITY SYSTEMS (OPA3) (OCO)	4,900	4,900
	CLASSIFIED PROGRAMS (OCO)	795	795
	TOTAL OTHER PROCUREMENT, ARMY	1,398,195	1,334,345
	AIRCRAFT PROCUREMENT, NAVY		
11	UH-1Y/AH-1Z (OCO)	30,000	24,875
	Excessive unit cost growth		-5,125
19	E-2D ADV HAWKEYE (OCO)	163,500	0
	Combat loss aircraft funded in fiscal year 2011		-163,500
28	OTHER SUPPORT AIRCRAFT (OCO)	21,882	0
	Aircraft excess to requirement		-21,882
30	AEA SYSTEMS (OCO)	53,100	45,600
	Intrepid Tiger		-7,500
31	AV-8 SERIES (OCO)	53,485	53,485
32	F-18 SERIES (OCO)	46,992	46,992
34	AH-1W SERIES (OCO)	39,418	37,918
	ANVIS HUD install kit pricing		-1,500
35	H-53 SERIES (OCO)	70,747	63,747
	Excess Hot Day PPC modification hardware support		-2,000
	Excess non-recurring engineering for Blue Force Tracker modification		-5,000
37	H-1 SERIES (OCO)	6,420	0
	Top-owl modification funding		-6,420
38	EP-3 SERIES (OCO)	20,800	20,800
43	C-130 SERIES (OCO)	59,625	44,225
	Targeting Sight Systems excess to requirement		-10,200
	LAIRCM installation funding ahead of need		-5,200
45	CARGO/TRANSPORT A/C SERIES (OCO)	25,880	18,280
	Excess C-20G installation NRE		-4,000
	UC-12W excess to need		-3,600
48	SPECIAL PROJECT AIRCRAFT (OCO)	11,184	11,184
53	COMMON ECM EQUIPMENT (OCO)	27,200	24,200
	Other support excess		-3,000
54	COMMON AVIONICS CHANGES (OCO)	13,467	11,467
	OSIP 10-11 other support growth		-2,000
55	COMMON DEFENSIVE WEAPON SYSTEM (OCO)	3,300	3,300
60	V-22 (TILT/ROTOR ACFT) OSPREY (OCO)	30,000	25,500
	Deficiencies modifications other support growth		-2,500
	Reliability modifications other support growth		-2,000
61	SPARES AND REPAIR PARTS (OCO)	39,060	34,462
	Other Support Aircraft spares		-967
	MQ-8 spares excess to requirement		-3,631
62	COMMON GROUND EQUIPMENT (OCO)	10,800	10,800
65	OTHER PRODUCTION CHARGES (OCO)	4,100	4,100
	TOTAL AIRCRAFT PROCUREMENT, NAVY	730,960	480,935

P-1		Budget Request	Conference
	WEAPONS PROCUREMENT, NAVY		
9	HELLFIRE (OCO)	14,000	14,000
10	STAND OFF PRECISION GUIDED MUNITIONS (OCO)	20,000	20,000
27	SMALL ARMS AND WEAPONS (OCO)	7,070	7,070
	TOTAL WEAPONS PROCUREMENT, NAVY	41,070	41,070
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS		
3	AIRBORNE ROCKETS, ALL TYPES (OCO)	80,200	80,200
4	MACHINE GUN AMMUNITION (OCO)	22,400	22,400
7	AIR EXPENDABLE COUNTERMEASURES (OCO)	20,000	20,000
11	OTHER SHIP GUN AMMUNITION (OCO)	182	182
12	SMALL ARMS & LANDING PARTY AMMO (OCO)	4,545	4,545
13	PYROTECHNIC AND DEMOLITION (OCO)	1,656	1,656
14	AMMUNITION LESS THAN $5 MILLION (OCO)	6,000	6,000
	SMALL ARMS AMMUNITION (OCO)	19,575	19,575
16	LINEAR CHARGES, ALL TYPES (OCO)	6,691	6,691
17	40 MM, ALL TYPES (OCO)	12,184	12,184
18	60MM, ALL TYPES (OCO)	10,988	10,988
19	81MM, ALL TYPES (OCO)	24,515	24,515
20	120MM, ALL TYPES (OCO)	11,227	11,227
21	CTG 25MM, ALL TYPES (OCO)	802	802
22	GRENADES, ALL TYPES (OCO)	5,911	5,911
23	ROCKETS, ALL TYPES (OCO)	18,871	18,871
24	ARTILLERY, ALL TYPES (OCO)	57,003	57,003
25	DEMOLITION MUNITIONS, ALL TYPES (OCO)	7,831	7,831
26	FUZE, ALL TYPES (OCO)	5,177	5,177
27	NON LETHALS (OCO)	712	712
29	ITEMS LESS THAN $5 MILLION (OCO)	630	630
	TOTAL PROCUREMENT OF AMMO, NAVY & MARINE	317,100	317,100
	OTHER PROCUREMENT, NAVY		
23	STANDARD BOATS (OCO)	13,729	0
	Coastal force protection boats contract delay		-13,729
56	MATCALS (OCO)	7,232	0
	Radar upgrade - Transfer to title III		-7,232
66	TACTICAL/MOBILE C41 SYSTEMS (OCO)	4,000	0
	Unjustified request for tech refresh upgrades		-4,000
92	EXPEDITIONARY AIRFIELDS (OCO)	47,000	47,000
96	METEOROLOGICAL EQUIPMENT (OCO)	10,800	10,800
97	AVIATION LIFE SUPPORT (OCO)	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT (OCO)	18,226	18,226
112	SSN COMBAT CONTROL SYSTEMS (OCO)	7,500	0
	Naval Intelligence Fusion Tool - Transfer to title III		-7,500
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	15,700	15,700
121	PASSENGER CARRYING VEHICLES (OCO)	2,628	2,628
123	CONSTRUCTION & MAINTENANCE EQUIP (OCO)	13,290	13,290
124	FIRE FIGHTING EQUIPMENT (OCO)	3,672	3,672
128	ITEMS UNDER $5 MILLION (OCO)	1,002	1,002
130	MATERIALS HANDLING EQUIPMENT (OCO)	3,644	3,644
134	TRAINING SUPPORT EQUIPMENT (OCO)	5,789	0
	Funding no longer required		-5,789

P-1		Budget Request	Conference
135	COMMAND SUPPORT EQUIPMENT (OCO)	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT (OCO)	6,977	6,977
141	C4ISR EQUIPMENT (OCO)	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT (OCO)	78,241	70,641
	Intelligence kits - funding no longer required due to force structure reductions		-7,600
149	SPARES AND REPAIR PARTS (OCO)	473	473
	TOTAL OTHER PROCUREMENT, NAVY	281,975	236,125
	PROCUREMENT, MARINE CORPS		
2	LAV PIP (OCO)	23,962	23,962
4	155MM LIGHTWEIGHT TOWED HOWITZER (OCO)	16,000	16,000
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO)	10,488	10,488
6	WEAPONS & COMBAT VEHICLES UNDER $5 M (OCO)	27,373	27,373
10	JAVELIN (OCO)	2,527	2,527
13	MODIFICATION KITS (OCO)	59,730	59,730
15	REPAIR AND TEST EQUIPMENT (OCO)	19,040	19,040
17	MODIFICATION KITS (OCO)	2,331	2,331
18	ITEMS UNDER $5 MILLION (COMM & ELEC) (OCO)	3,090	3,090
19	AIR OPERATIONS C2 SYSTEMS (OCO)	5,236	5,236
20	RADAR SYSTEMS (OCO)	26,506	26,506
21	FIRE SUPPORT SYSTEM (OCO)	35	35
24	INTELLIGENCE SUPPORT EQUIPMENT (OCO)	47,132	47,132
28	NIGHT VISION EQUIPMENT (OCO)	9,850	9,850
29	COMMON COMPUTER RESOURCES (OCO)	18,629	18,629
30	COMMAND POST SYSTEMS (OCO)	31,491	31,491
31	RADIO SYSTEMS (OCO)	87,027	87,027
32	COMM SWITCHING & CONTROL SYSTEMS (OCO)	54,177	124,177
	Marine Corps requested transfer from line 38 for Data Distribution System		50,000
	Marine Corps requested transfer from line 38 for Digital Technical Control System		20,000
33	COMM & ELEC INFRASTRUCTURE SUPPORT (OCO)	2,200	2,200
37	MOTOR TRANSPORT MODIFICATIONS (OCO)	95,800	95,800
38	MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO)	392,391	92,391
	Marine Corps requested transfer to line 32 for Data Distribution System		-50,000
	Marine Corps requested transfer to line 32 for Digital Technical Control System		-20,000
	Marine Corps requested transfer to line 39 for LVSR		-148,000
	Marine Corps requested transfer to line 46 for Advanced Medium Mobile Power Sources		-20,000
	Marine Corps requested transfer to line 46 for Mobile Electric Power Distribution System		-35,000
	Marine Corps requested transfer to OM,MC line 1A1A for Family of Shelters		-27,000
39	LOGISTICS VEHICLE SYSTEM REP (OCO)	38,382	186,382
	Marine Corps requested transfer from line 38 for LVSR		148,000
40	FAMILY OF TACTICAL TRAILERS (OCO)	24,826	24,826
43	ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO)	18,775	18,775
44	BULK LIQUID EQUIPMENT (OCO)	7,361	7,361

P-1		Budget Request	Conference
46	POWER EQUIPMENT ASSORTED (OCO)	51,895	106,895
	Marine Corps requested transfer from line 38 for Advanced Medium Mobile Power Sources		20,000
	Marine Corps requested transfer from line 38 for Mobile Electric Power Distribution System		35,000
48	EOD SYSTEMS (OCO)	57,237	57,237
49	PHYSICAL SECURITY EQUIPMENT (OCO)	42,900	42,900
51	MATERIAL HANDLING EQUIP (OCO)	42,553	42,553
53	FIELD MEDICAL EQUIPMENT (OCO)	8,307	8,307
54	TRAINING DEVICES (OCO)	5,200	5,200
55	CONTAINER FAMILY (OCO)	12	12
56	FAMILY OF CONSTRUCTION EQUIPMENT (OCO)	28,533	28,533
	TOTAL PROCUREMENT, MARINE CORPS	1,260,996	1,233,996
	AIRCRAFT PROCUREMENT, AIR FORCE		
19	V22 OSPREY (OCO)	70,000	0
	Combat loss replaced in fiscal year 2011		-70,000
24	HH-60M OPERATIONAL LOSS REPLACEMENT (OCO)	39,300	39,300
27	STUASLO (OCO)	2,472	2,472
34	MQ-9 (REAPER) (OCO)	0	719,592
	Transfer from title III		719,592
43	C-5 (OCO)	59,299	59,299
59	MC-12W (OCO)	17,300	17,300
63	C-130 (OCO)	164,041	164,041
63	C-130 INTEL (OCO)	4,600	4,600
65	C-130J MODS INTEL (OCO)	27,983	27,983
67	COMPASS CALL MODS (OCO)	12,000	12,000
75	HC/MC-130 MODIFICATIONS (OCO)	34,000	34,000
76	OTHER AIRCRAFT (OCO)	15,000	15,000
77	MQ-1 MODS (OCO)	2,800	2,800
81	INITIAL SPARES/REPAIR PARTS (OCO)	2,800	2,800
90	C-17A (OCO)	10,970	10,970
99	WAR CONSUMABLES (OCO)	0	87,220
	Transfer from title III		87,220
100	OTHER PRODUCTION CHARGES (OCO)	23,000	23,000
104	DARP (OCO)	42,300	13,400
	Excess to need		-28,900
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	527,865	1,235,777
	MISSILE PROCUREMENT, AIR FORCE		
5	PREDATOR HELLFIRE MISSILE (OCO)	16,120	28,920
	Increase in OEF usage rates		12,800
6	SMALL DIAMETER BOMB (OCO)	12,300	12,300
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	28,420	41,220

P-1		Budget Request	Conference
	PROCUREMENT OF AMMUNITION, AIR FORCE		
1	ROCKETS (OCO)	329	329
2	CARTRIDGES (OCO)	8,014	8,014
4	GENERAL PURPOSE BOMBS (OCO)	17,385	17,385
5	JOINT DIRECT ATTACK MUNITION (OCO)	34,100	50,600
	Increase in OEF usage rates		16,500
7	EXPLOSIVE ORDINANCE DISPOSAL (OCO)	1,200	1,200
11	FLARES (OCO)	11,217	11,217
12	FUZES (OCO)	8,765	8,765
13	SMALL ARMS (OCO)	11,500	11,500
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	92,510	109,010
	OTHER PROCUREMENT, AIR FORCE		
1	PASSENGER CARRYING VEHICLES (OCO)	2,658	0
	Unjustified request		-2,658
4	ITEMS LESS THAN $5M (CARGO) (OCO)	32,824	0
	Unjustified request		-32,824
6	ITEMS LESS THAN $5M (SPECIAL)(OCO)	110	110
7	FIRE FIGHTING/CRASH RESCUE VEHICLES (OCO)	1,662	1,662
8	ITEMS LESS THAN $5,000,000 (OCO)	772	772
10	ITEMS LESS THAN $5,000,000(VEHICLES)(OCO)	13,983	13,983
13	AIR FORCE PHYSICAL SECURITY (OCO)	500	500
22	WEATHER OBSERVATION FORECAST (OCO)	1,800	1,800
25	TAC SIGNIT SPT (OCO)	7,020	7,020
30	AIR FORCE PHYSICAL SECURITY SYSTEM (OCO)	25,920	25,920
49	TACTICAL C-E EQUIPMENT (OCO)	9,445	9,445
55	NIGHT VISION GOGGLES (OCO)	12,900	12,900
59	CONTINGENCY OPERATIONS (OCO)	18,100	18,100
61	MOBILITY EQUIPMENT (OCO)	9,800	9,800
62	ITEMS LESS THAN $5 MILLION (BASE S) (OCO)	8,400	8,400
65	DCGS-AF (OCO)	3,000	3,000
68	DEFENSE SPACE RECONNAISSANCE PROG (OCO)	64,400	64,400
	OTHER PROGRAMS (OCO)	2,991,347	2,910,698
	Classified adjustment		-80,649
	TOTAL, OTHER PROCUREMENT, AIR FORCE	3,204,641	3,088,510

P-1		Budget Request	Conference
	PROCUREMENT, DEFENSE-WIDE		
17	TELEPORT PROGRAM (OCO)	3,307	3,307
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) (OCO)	3,000	3,000
46	MAJOR EQUIPMENT, INTELLIGENCE (OCO)	8,300	8,300
50	MH-47 SERVICE LIFE EXTENSION PROGRAM (OCO)	40,500	0
	Funded in fiscal year 2011		-40,500
51	MH-60 SOF MODERNIZATION (OCO)	7,800	0
	Funded in fiscal year 2011		-7,800
52	NON-STANDARD AVIATION (OCO)	8,500	8,500
57	CV-22 SOF MODIFICATION (OCO)	15,000	0
	Funded in fiscal year 2011		-15,000
63	C-130 MODIFICATIONS (OCO)	4,800	4,800
67	SOF ORDNANCE REPLENISHMENT (OCO)	71,659	71,659
68	SOF ORDNANCE ACQUISITION (OCO)	25,400	15,400
	Prior year funding carryover		-10,000
69	COMMUNICATIONS EQUIPMENT & ELECTRONICS (OCO)	2,325	2,325
70	SOF INTELLIGENCE SYSTEMS (OCO)	43,558	49,058
	Village Stability Operations (VSO) unfunded requirement - program increase		5,500
71	SMALL ARMS AND WEAPONS (OCO)	6,488	8,488
	VSO unfunded requirement - program increase		2,000
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS (OCO)	2,601	2,601
78	TACTICAL VEHICLES (OCO)	15,818	19,818
	VSO unfunded requirement - program increase		4,000
85	SOF AUTOMATION SYSTEMS (OCO)	13,387	13,387
87	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE (OCO)	5,800	5,800
88	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS (OCO)	34,900	37,500
	VSO unfunded requirement - program increase		2,600
89	SOF VISUAL AUGMENTATION, LASERS & SENSOR SYSTEMS (OCO)	3,531	3,531
90	SOF TACTICAL RADIO SYSTEMS (OCO)	2,894	2,894
93	MISCELLANEOUS EQUIPMENT (OCO)	7,220	7,220
94	SOF OPERATIONAL ENHANCEMENTS (OCO)	41,632	41,632
	CLASSIFIED PROGRAMS	101,548	96,548
	Program adjustment		-5,000
	TOTAL, PROCUREMENT, DEFENSE-WIDE	469,968	405,768

P-1		Budget Request	Conference
	NATIONAL GUARD & RESERVE EQUIPMENT		
	RESERVE EQUIPMENT		
	ARMY RESERVE	**0**	**145,000**
	Miscellaneous Equipment (OCO)		145,000
	NAVY RESERVE	**0**	**75,000**
	Miscellaneous Equipment (OCO)		75,000
	MARINE CORPS RESERVE	**0**	**65,000**
	Miscellaneous Equipment (OCO)		65,000
	AIR FORCE RESERVE	**0**	**75,000**
	Miscellaneous Equipment (OCO)		75,000
	NATIONAL GUARD EQUIPMENT		
	ARMY NATIONAL GUARD	**0**	**325,000**
	Miscellaneous Equipment (OCO)		325,000
	AIR NATIONAL GUARD	**0**	**315,000**
	Miscellaneous Equipment (OCO)		315,000
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	**0**	**1,000,000**
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND		
1	**MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND (OCO)**	**3,195,170**	**2,600,170**
	Funds previously provided by Department of Army		-595,000
	TOTAL, MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND		**2,600,170**
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	**JOINT URGENT OPERATIONAL NEEDS FUND (OCO)**	**100,000**	**0**
	Program reduction		-100,000

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement provides $1,000,000,000 for National Guard and Reserve Equipment. Of that amount, $325,000,000 is for the Army National Guard; $315,000,000 is for the Air National Guard; $145,000,000 is for the Army Reserve; $75,000,000 is for the Navy Reserve; $65,000,000 is for the Marine Corps Reserve; and $75,000,000 is for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year.

This funding will allow the Guard and reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors. The conferees direct that the National Guard and Reserve Equipment account shall be executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: AB–FIST Gunnery Trainer Upgrades; Active Noise Cancellation Systems for ANG C–130; ANG Block 42 F–16 Engine Upgrades; ARC 210 Radios for ANG F–16s; Batteries and Battery Support Equipment; Bradley Modifications; C–130 Loadmaster Lookout Windows and Crashworthy Loadmaster Seats; C–130 Secure Line of Sight and Beyond Line of Sight Capability; CH–47 Door Gun Mounts; Chemical/Biological Protective Shelter; Civil Support Radios; Combined Arms Virtual Trainers; Command Posts—Tactical Operations Centers and Standardized Integrated Command Post Systems; Communications Aerial Platforms; External and Internal Fuel Tanks; F–15 Active Electronically Scanned Array Radars; Field Engineering, Logistics, and Maintenance Equipment; General Engineering Equipment; Generation 4 Advanced Targeting Pods; HC–130 Integrated EW Suites (ALQ–213) with VECTS; Helicopter Firefighting Equipment; Helmet Mounted Cueing Systems; HMMWV Ambulances; Homeland Defense Communications Equipment; Integrated Vehicle Health Management Systems; Joint Threat Emitters; Large Aircraft Infrared Countermeasures; Light Utility Helicopters; Lightweight Airborne Recovery Systems; LITENING Upgrades; MRAP Vehicle Virtual Trainers; Personal Protective Equipment and Weapons; Reduced Size Crashworthy External and Extended Range Fuel Systems (RCEFS) for Apaches and Chinooks; Remotely Operated Video Enhanced Receivers; SATCOM Ground Stations; Security Force Mobility Bag Upgrades; Self-Contained Live Fire Shooting Ranges; Shadow Tactical Unmanned Aircraft Systems; Simulation Training Systems; Tactical Communications Equipment; Tactical Radios; Tactical Trailers; Thermal Imaging Systems; Unit Maintenance Aerial Recovery Kits; Virtual Convoy Operations Trainers; Virtual Door Gunner Trainers; and Wideband Imagery Dissemination.

MINE RESISTANT AMBUSH PROTECTED AND MRAP-ALL TERRAIN VEHICLES

The conference agreement provides $2,600,170,000 to address Mine Resistant Ambush Protected (MRAP) vehicle and MRAP-All Terrain Vehicle (M-ATV) requirements, as identified by the Department of Defense. The request was reduced by an amount previously provided by the Department of the Army to the MRAP Joint Program Office to support operations and maintenance from within funds available to the Army. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110–116.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides $526,358,000 for Research, Development, Test and Evaluation, instead of $436,758,000 as proposed by the House and $581,958,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	Conference
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
62	SOLDIER SUPPORT AND SURVIVABILITY (OCO)	0	10,000
	Duraplex Antenna - Transfer from JIEDDO, Defeat the Device		10,000
140	ARMY TEST RANGES AND FACILITIES (OCO)	8,513	8,513
	TOTAL RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	8,513	18,513
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
54	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO)	1,500	1,500
97	ELECTRONIC WARFARE DEVELOPMENT (OCO)	5,600	5,600
119	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO)	3,500	3,500
126	MEDICAL DEVELOPMENT (OCO)	1,950	1,950
172	F/A-18 SQUADRONS (OCO)	2,000	2,000
189	MARINE CORPS COMMUNICATIONS SYSTEMS (OCO)	1,500	1,500
192	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (OCO)	4,050	4,050
999	OTHER PROGRAMS (OCO)	33,784	33,784
	TOTAL RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	53,884	53,884
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
140	ISR INNOVATIONS (OCO)	0	50,000
	Program continuation		50,000
200	ENDURANCE UNMANNED AERIAL VEHICLES (OCO)	73,000	140,600
	Excess to need		-10,000
	Blue Devil Block 1 - Transfer from JIEDDO, Attack the Network		58,600
	Air Force identified shortfall		19,000
999	OTHER PROGRAMS (OCO)	69,000	69,000
	TOTAL RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	142,000	259,600
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE WIDE		
152	GENERAL SUPPORT TO USD (OCO)	9,200	9,200
202	LONG-HAUL COMMUNICATIONS DCS (OCO)	10,500	10,500
207	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	32,850	32,850
211	GLOBAL COMMAND AND CONTROL SYSTEM (OCO)	2,000	2,000
229	SOF OPERATIONAL ENHANCEMENTS (OCO)	0	12,000
	Tactical SIGINT geolocation capability to address shortfalls identified in the field		12,000
254	RQ-7 UAV (OCO)	2,450	2,450
999	OTHER PROGRAMS (OCO)	135,361	125,361
	Program adjustment		-10,000
	TOTAL RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE WIDE	192,361	194,361

REVOLVING AND MANAGEMENT FUNDS

The conference agreement provides $435,013,000 for the Defense Working Capital Funds as proposed by the House, instead of $396,513,000 as proposed by the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $1,228,288,000 for the Defense Health Program as proposed by the Senate, instead of $1,248,288,000 as proposed by the House. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
OPERATION AND MAINTENANCE	1,228,288	1,228,288
IN-HOUSE CARE	641,996	641,996
PRIVATE SECTOR CARE	464,869	464,869
CONSOLIDATED HEALTH SUPPORT	95,994	95,994
INFORMATION MANAGEMENT	5,548	5,548
MANAGEMENT ACTIVITIES	751	751
EDUCATION AND TRAINING	16,859	16,859
BASE OPERATIONS AND COMMUNICATIONS	2,271	2,271

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $456,458,000 for Drug Interdiction and Counter-Drug Activities, Defense, instead of $469,458,000 as proposed by the House and $463,458,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
AFGHANISTAN AIR MOBILITY	149,000	141,000
Mi-17s—Change in acquisition strategy		−8,000
COUNTER NARCOTICS POLICE AFGHANISTAN TRAINING	46,250	46,250
COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES	7,000	7,000
AFGHANISTAN BORDER POLICE FACILITIES	40,000	40,000
AFGHANISTAN BORDER POLICE TRAINING	32,000	32,000
AFGHANISTAN BORDER POLICE EQUIPMENT	2,500	2,500
OTHER PROGRAM SUPPORT—AFGHANISTAN	7,000	7,000
INTELLIGENCE AND TECHNOLOGY	49,509	44,509
CTF-Kabul HQ Facility funding no longer required		−5,000
PAKISTAN	40,650	30,650
Reduce program growth		−10,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget Request	Conference
TAJIKISTAN	27,425	27,425
TURKMENISTAN	23,800	23,800
KYRGYZSTAN	33,598	33,598
KAZAKHSTAN	9,976	9,976
UZBEKISTAN	14,750	14,750
OTHER REGIONAL PROGRAMS	3,000	3,000
PROGRAM ADJUSTMENT		−7,000
TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES (OCO)	486,458	456,458

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
1	ATTACK THE NETWORK (OCO)	1,368,800	936,400
	Blue Devil Block 1—Transfer to RDTE,AF line 200		−58,600
	Broad Agency Announcement S&T Response unjustified request		−76,000
	Information Fusion unjustified program growth		−17,000
	Transfer to Staff and Infrastructure		−280,800
2	DEFEAT THE DEVICE (OCO)	961,200	733,400
	Duraplex Antenna—Transfer to RDTE,A line 62		−10,000
	IDD 2.0 Detection Dog—Transfer from Train the Force		4,200
	Transfer to Staff and Infrastructure		−72,000
	Program Adjustment		−150,000
3	TRAIN THE FORCE (OCO)	247,500	129,350
	Train the Force Response—Duplication of Service Title 10 Responsibilities		−-18,050
	IDD 2.0 Detection Dog—Transfer to Defeat the Device		−4,200
	Transfer to Staff and Infrastructure		−90,900
	Program Adjustment		−5,000
4	STAFF AND INFRASTRUCTURE (OCO)	0	642,834
	Civilian Pay Freeze		−1,500
	Transfer from title VI		220,634
	Transfer from Attack the Network		280,800
	Transfer from Defeat the Device		72,000
	Transfer from Train the Force		90,900
	Program Adjustment		−20,000
	TOTAL, JOINT IED DEFEAT FUND	2,577,500	2,441,984

The conference agreement provides funding for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in title IX. The conferees believe that the requirements are war related and should be funded through Overseas Contingency Operations funding.

The conferees direct JIEDDO to submit to the congressional defense committees monthly commitment, obligation, and expenditure data by line of operation and by year of appropriation. Further, the conferees direct JIEDDO to submit to the congressional defense committees monthly reports of obligation data on a project by project basis by line of operation. The conferees also continue the direction that JIEDDO follow standard reprogramming procedures when transferring a cumulative amount of $20,000,000 or more between lines of operation.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $11,055,000 for the Office of the Inspector General, as proposed by both the House and the Senate.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
OPERATION AND MAINTENANCE	11,055	11,055
TOTAL, OFFICE OF THE INSPECTOR GENERAL	11,055	11,055

GENERAL PROVISIONS—THIS TITLE

The conference agreement for title IX incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference follow:

The conference agreement retains a provision proposed by the Senate which provides for general transfer authority within title IX. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate concerning the Afghanistan Resources Executive Council approval of funding for projects under the Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and the Commanders Emergency Response Program. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate concerning funding and guidelines for the Task Force for Business and Stability Operations in Afghanistan. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate concerning transition activities of the Office of Security Cooperation in Iraq and security assistance teams. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate which reduces funding from title IX military personnel and

operation and maintenance accounts to reflect reduced troop strength in theater. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

2010 Appropriations:	
Overseas Contingency Operations Transfer Fund:	
Unobligated Balances ..	$356,810,000
Procurement of Ammunition, Army:	
Non-Lethal Capabilities	20,000,000
Artillery Fuzes, All Types	1,000,000
Other Procurement, Air Force:	
Intelligence Comm Equipment	2,250,000

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I				
MILITARY PERSONNEL				
Military Personnel, Army	41,403,653	43,596,949	43,298,409	+1,894,756
Military Personnel, Navy	25,912,449	27,154,384	26,803,334	+890,885
Military Personnel, Marine Corps	13,210,161	13,573,546	13,635,136	+424,975
Military Personnel, Air Force	27,105,755	28,304,432	28,096,708	+990,953
Reserve Personnel, Army	4,333,165	4,386,077	4,289,407	-43,758
Reserve Personnel, Navy	1,940,191	1,960,634	1,935,544	-4,647
Reserve Personnel, Marine Corps	612,191	653,212	644,722	+32,531
Reserve Personnel, Air Force	1,650,797	1,729,823	1,712,705	+61,908
National Guard Personnel, Army	7,511,296	7,623,335	7,585,645	+74,349
National Guard Personnel, Air Force	3,060,098	3,114,149	3,088,929	+28,831
Total, title I, Military Personnel	126,739,756	132,096,541	131,090,539	+4,350,783
TITLE II				
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army	33,306,117	34,735,216	31,072,902	-2,233,215
Operation and Maintenance, Navy	37,809,239	39,364,688	38,120,821	+311,582
Operation and Maintenance, Marine Corps	5,539,740	5,960,437	5,542,937	+3,197
Operation and Maintenance, Air Force	36,062,989	36,195,133	34,985,486	-1,077,503

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Operation and Maintenance, Defense-Wide	30,210,810	30,940,409	30,152,008	-58,802
Operation and Maintenance, Army Reserve	2,840,427	3,109,176	3,071,733	+231,306
Operation and Maintenance, Navy Reserve	1,344,264	1,323,134	1,305,134	-39,130
Operation and Maintenance, Marine Corps Reserve	275,484	271,443	271,443	-4,041
Operation and Maintenance, Air Force Reserve	3,291,027	3,274,359	3,274,359	-16,668
Operation and Maintenance, Army National Guard	6,454,624	7,041,432	6,924,932	+470,308
Operation and Maintenance, Air National Guard	5,963,839	6,136,280	6,098,780	+134,941
Overseas Contingency Operations Transfer Account	---	5,000	---	---
United States Court of Appeals for the Armed Forces	14,068	13,861	13,861	-207
Environmental Restoration, Army	464,581	346,031	346,031	-118,550
Environmental Restoration, Navy	304,867	308,668	308,668	+3,801
Environmental Restoration, Air Force	502,653	525,453	525,453	+22,800
Environmental Restoration, Defense-Wide	10,744	10,716	10,716	-28
Environmental Restoration, Formerly Used Defense Sites	316,546	276,495	326,495	+9,949
Overseas Humanitarian, Disaster, and Civic Aid	108,032	107,662	107,662	-370
Cooperative Threat Reduction Account	522,512	508,219	508,219	-14,293
Department of Defense Acquisition Workforce Development Fund	217,561	305,501	105,501	-112,060
Total, title II, Operation and maintenance	165,560,124	170,759,313	163,073,141	-2,486,983

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III				
PROCUREMENT				
Aircraft Procurement, Army	5,254,791	7,061,381	5,360,334	+105,543
Missile Procurement, Army	1,570,108	1,478,718	1,461,223	-108,885
Procurement of Weapons and Tracked Combat Vehicles, Army	1,461,086	1,933,512	2,070,405	+609,319
Procurement of Ammunition, Army	1,847,066	1,992,625	1,884,424	+37,358
Other Procurement, Army	8,145,665	9,682,592	7,924,214	-221,451
Aircraft Procurement, Navy	16,170,868	18,587,033	17,675,734	+1,504,866
Weapons Procurement, Navy	3,221,957	3,408,478	3,224,432	+2,475
Procurement of Ammunition, Navy and Marine Corps	790,527	719,952	626,848	-163,679
Shipbuilding and Conversion, Navy	15,366,658	14,928,921	14,919,114	-447,544
Other Procurement, Navy	5,804,963	6,285,451	6,013,385	+208,422
Procurement, Marine Corps	1,236,436	1,391,602	1,422,570	+186,134
Aircraft Procurement, Air Force	13,483,739	14,082,527	12,950,000	-533,739
Missile Procurement, Air Force	5,424,764	6,074,017	6,080,877	+656,113
Advanced Extremely High Frequency Communications Satellites, Advanced appropriation FY 2013	---	803,417	---	---
Advanced appropriation FY 2014	---	699,611	---	---
Advanced appropriation FY 2015 through FY 2017	---	1,709,467	---	---
Total, Advanced appropriations	---	3,212,495	---	---
Procurement of Ammunition, Air Force	731,487	539,065	499,185	-232,302
Other Procurement, Air Force	17,568,091	17,602,036	17,403,564	-164,527

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Procurement, Defense-Wide	4,009,321	5,365,248	4,893,428	+884,107
Defense Production Act Purchases	34,346	19,964	169,964	+135,618
Total, title III. Procurement	102,121,873	114,365,617	104,579,701	+2,457,828
FY 2012	(102,121,873)	(111,153,122)	(104,579,701)	(+2,457,828)

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army	9,710,998	9,683,980	8,745,492	-965,506
Research, Development, Test and Evaluation, Navy	17,736,303	17,956,431	17,753,940	+17,637
Research, Development, Test and Evaluation, Air Force	26,517,405	27,737,701	26,535,996	+18,591
Research, Development, Test and Evaluation, Defense-Wide	20,797,412	19,755,678	19,193,955	-1,603,457
Operational Test and Evaluation, Defense	194,910	191,292	191,292	-3,618
Total, title IV, Research, Development, Test and Evaluation	74,957,028	75,325,082	72,420,675	-2,536,353

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE V				
REVOLVING AND MANAGEMENT FUNDS				
Defense Working Capital Funds	1,434,536	1,575,010	1,575,010	+140,474
National Defense Sealift Fund	1,474,866	1,126,384	1,100,519	-374,347
Total, title V, Revolving and Management Funds	2,909,402	2,701,394	2,675,529	-233,873
TITLE VI				
OTHER DEPARTMENT OF DEFENSE PROGRAMS				
Defense Health Program:				
Operation and maintenance	29,671,764	30,902,546	30,582,235	+910,471
Procurement	534,921	632,518	632,518	+97,597
Research, development, test and evaluation	1,175,513	663,706	1,267,306	+91,793
Total, Defense Health Program 1/	31,382,198	32,198,770	32,482,059	+1,099,861
Chemical Agents and Munitions Destruction, Defense:				
Operation and maintenance	1,067,364	1,147,691	1,147,691	+80,327
Procurement	7,132	---	---	-7,132
Research, development, test and evaluation	392,811	406,731	406,731	+13,920
Total, Chemical Agents 2/	1,467,307	1,554,422	1,554,422	+87,115

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Drug Interdiction and Counter-Drug Activities, Defense	1,156,957	1,156,282	1,209,620	+52,663
Joint Improvised Explosive Device Defeat Fund 2/	---	220,634	---	---
Joint Urgent Operational Needs Fund	---	100,000	---	---
Office of the Inspector General 1/	306,794	289,519	346,919	+40,125
Total, title VI, Other Department of Defense Programs	34,313,256	35,519,627	35,593,020	+1,279,764
TITLE VII				
RELATED AGENCIES				
Central Intelligence Agency Retirement and Disability System Fund	292,000	513,700	513,700	+221,700
Intelligence Community Management Account (ICMA)	649,732	592,213	547,891	-101,841
Total, title VII, Related agencies	941,732	1,105,913	1,061,591	+119,859
TITLE VIII				
GENERAL PROVISIONS				
Additional transfer authority (Sec.8005)	(4,000,000)	(5,000,000)	(3,750,000)	(-250,000)
Indian Financing Act incentives (Sec.8019)	15,000	---	15,000	---
FFRDC (Sec.8023)	-125,000	---	-150,245	-25,245
Overseas Military Facility Invest Recovery (Sec.8028)	1,000	1,000	1,000	---

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescissions (Sec.8040)	-2,013,536	---	-2,575,217	-561,681
O&M, Defense-wide transfer authority (Sec.8051)	(30,000)	(30,000)	(30,000)	---
O&M, Def-wide to HUD (transfer authority)	---	(22,930)	---	---
O&M, Defense-wide to Interior (transfer authority)	---	(10,070)	---	---
Fisher House Foundation (Sec.8069)	4,000	---	4,000	---
National grants (Sec.8079)	65,200	---	44,000	-21,200
Shipbuilding reappropriation (Sec.8083)	---	20,000	---	---
Shipbuilding & conversion funds, Navy (Sec.8084)	10,000	8,000	8,000	-2,000
Global Security Contingency Fund (O&M, Defense-wide transfer) (Sec.8089)	---	---	(200,000)	(+200,000)
Working Capital Fund excess cash balances (Sec.8091)	-1,983,000	---	-515,000	+1,468,000
Fisher House transfer authority (Sec.8097)	(11,000)	(11,000)	(11,000)	---
ICMA transfer authority (Sec.8098)	(24,000)	(20,000)	(20,000)	(-4,000)
Business Transformation (transfer authority)	(50,000)	---	---	(-50,000)
Tanker Replacement Transfer Fund	538,875	---	---	-538,875
Alternative Energy Resources for Deployed Forces (Sec.8114)	---	---	10,000	+10,000
Operation and Maintenance, Defense-Wide	300,000	---	---	-300,000
Energy Security Pilot Projects	20,000	---	---	-20,000
Revised economic assumptions	-1,477,000	---	---	+1,477,000
Operation and Maintenance, Defense-Wide (Sec.8118)	250,000	---	250,000	---
Civilian pay freeze reduction	-723,000	---	---	+723,000
MIP Transfer Fund (Sec.8126)	---	---	310,758	+310,758
Total, Title VIII, General Provisions	-5,117,461	29,000	-2,597,704	+2,519,757

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IX				
OVERSEAS CONTINGENCY OPERATIONS (OCO) 3/				
Military Personnel				
Military Personnel, Army (OCO)	11,107,033	7,105,335	7,195,335	-3,911,698
Military Personnel, Navy (OCO)	1,308,719	919,034	1,259,234	-49,485
Military Personnel, Marine Corps (OCO)	732,920	675,360	714,360	-18,560
Military Personnel, Air Force (OCO)	1,843,442	1,436,353	1,492,381	-351,061
Reserve Personnel, Army (OCO)	268,031	207,162	207,162	-60,869
Reserve Personnel, Navy (OCO)	48,912	44,530	44,530	-4,382
Reserve Personnel, Marine Corps (OCO)	45,437	25,421	25,421	-20,016
Reserve Personnel, Air Force (OCO)	27,002	26,815	26,815	-187
National Guard Personnel, Army (OCO)	853,022	661,879	664,579	-188,443
National Guard Personnel, Air Force (OCO)	16,860	9,435	9,435	-7,425
Total, Military Personnel	16,251,378	11,111,324	11,639,252	-4,612,126
Operation and Maintenance				
Operation & Maintenance, Army (OCO)	59,162,782	44,302,280	44,794,156	-14,368,626
Operation & Maintenance, Navy (OCO)	8,970,724	7,006,567	7,674,026	-1,296,698
Coast Guard (by transfer) (OCO)	---	(258,278)	---	---
Operation & Maintenance, Marine Corps (OCO)	4,008,022	3,571,210	3,935,210	-72,812
Operation & Maintenance, Air Force (OCO)	12,969,643	10,719,187	10,879,347	-2,090,296

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Operation & Maintenance, Defense-Wide (OCO)	9,276,990	9,269,411	9,252,211	-24,779
Coalition support funds (OCO)	(1,600,000)	---	(1,690,000)	(+90,000)
Operation & Maintenance, Army Reserve (OCO)	206,784	217,500	217,500	+10,716
Operation & Maintenance, Navy Reserve (OCO)	93,559	74,148	74,148	-19,411
Operation & Maintenance, Marine Corps Reserve (OCO)	29,685	36,084	36,084	+6,399
Operation & Maintenance, Air Force Reserve (OCO)	188,807	142,050	142,050	-46,757
Operation & Maintenance, Army National Guard (OCO)	497,849	387,544	377,544	-120,305
Operation & Maintenance, Air National Guard (OCO)	402,983	34,050	34,050	-368,933
Overseas Contingency Operations Transfer Fund (OCO)	---	---	---	---
Subtotal, Operation and Maintenance	95,807,828	75,760,031	77,416,326	-18,391,502
Afghanistan Infrastructure Fund (OCO)	400,000	475,000	400,000	---
Afghanistan Security Forces Fund (OCO)	11,619,283	12,800,000	11,200,000	-419,283
Iraq Security Forces Fund (OCO)	1,500,000	---	---	-1,500,000
Pakistan Counterinsurgency Capability Fund (OCO)	800,000	---	---	-800,000
Total, Operation and Maintenance	110,127,111	89,035,031	89,016,326	-21,110,785

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Procurement				
Aircraft Procurement, Army (OCO)	2,720,138	423,400	1,137,381	-1,582,757
Missile Procurement, Army (OCO)	343,828	126,556	126,556	-217,272
Procurement of Weapons and Tracked Combat Vehicles, Army (OCO)	896,996	37,117	37,117	-859,879
Procurement of Ammunition, Army (OCO)	369,885	208,381	208,381	-161,504
Other Procurement, Army (OCO)	6,401,832	1,398,195	1,334,345	-5,067,487
Aircraft Procurement, Navy (OCO)	1,169,549	730,960	480,935	-688,614
Weapons Procurement, Navy (OCO)	90,502	41,070	41,070	-49,432
Procurement of Ammunition, Navy and Marine Corps (OCO)	558,024	317,100	317,100	-240,924
Other Procurement, Navy (OCO)	316,835	281,975	236,125	-80,710
Procurement, Marine Corps (OCO)	1,589,119	1,260,996	1,233,996	-355,123
Aircraft Procurement, Air Force (OCO)	1,991,955	527,865	1,235,777	-756,178
Missile Procurement, Air Force (OCO)	56,621	28,420	41,220	-15,401
Procurement of Ammunition, Air Force (OCO)	292,959	92,510	109,010	-183,949
Other Procurement, Air Force (OCO)	2,868,593	3,204,641	3,088,510	+219,917
Procurement, Defense-Wide (OCO)	1,262,499	469,968	405,768	-856,731
National Guard and Reserve Equipment (OCO)	850,000	---	1,000,000	+150,000
Mine Resistant Ambush Protected Vehicle Fund (OCO)	3,415,000	3,195,170	2,600,170	-814,830
Total, Procurement	25,194,335	12,344,324	13,633,461	-11,560,874

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research, Development, Test and Evaluation				
Research, Development, Test & Evaluation, Army (OCO)	143,234	8,513	18,513	-124,721
Research, Development, Test & Evaluation, Navy (OCO)	104,781	53,884	53,884	-50,897
Research, Development, Test & Evaluation, Air Force (OCO)	484,382	142,000	259,600	-224,782
Research, Development, Test and Evaluation, Defense-Wide (OCO)	222,616	192 361	194,361	-28,255
Total, Research, Development, Test and Evaluation	955,013	396,758	526,358	-428,655
Revolving and Management Funds				
Defense Working Capital Funds (OCO)	485,384	435,013	435,013	-50,371
Other Department of Defense Programs				
Defense Health Program:				
Operation and maintenance (OCO)	1,398,092	1,228,288	1,228,288	-169,804
Research, development, test & evaluation (OCO)	24,000	---	---	-24,000
Total, Defense Health Program 1/	1,422,092	1,228,288	1,228,288	-193,804

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Drug Interdiction and Counter-Drug Activities, Defense (OCO)	440,510	486,458	456,458	+15,948
Joint IED Defeat Fund (OCO)	2,793,768	2,577,500	2,441,984	-351,784
Joint Urgent Operational Needs Fund (OCO)	---	100,000	---	---
Office of the Inspector General (OCO)	10,529	11,055	11,055	+526
Total, Other Department of Defense Programs	4,666,899	4,403,301	4,137,785	-529,114
TITLE IX General Provisions				
Additional transfer authority (OCO) (Sec.9002)	(4,000,000)	(4,000,000)	(4,000,000)	---
National Intelligence for Overseas Contingency Operations (transfer authority) (OCO)	(3,375)	---	---	(-3,375)
Troop reduction (OCO) (Sec.9014)	---	---	-4,042,500	-4,042,500
Rescissions (OCO) (Sec.9015)	---	---	-380,060	-380,060
Total, General Provisions	---	---	-4,422,560	-4,422,560
Total, Title IX	157,680,120	117,725,751	114,965,635	-42,714,485
Total for the bill (net)	660,105,830	649,628,238	622,862,127	-37,243,703
Less appropriations for subsequent years	---	-3,212,495	---	---
Net grand total	660,105,830	646,415,743	622,862,127	-37,243,703

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP				
Scorekeeping adjustments:				
Lease of defense real property (permanent)	8,884	22,000	22,000	+13,116
Disposal of defense real property (permanent)	10,317	9,000	9,000	-1,317
O&M, Defense-wide transfer to Department of State:				
Defense function	---	---	-200,000	-200,000
Non-defense function	---	---	200,000	+200,000
O&M, Defense-wide transfer to HUD:				
Defense function	---	-22,930	---	---
Non-defense function	---	22,930	---	---
O&M, Defense-wide transfer to Interior Department:				
Defense function	---	-10,070	---	---
Non-defense function	---	10,070	---	---
Tricare accrual (permanent, indefinite auth.) 4/	10,872,070	10,733,000	10,733,000	-139,070
(OCO) 3/	143,000	117,000	117,000	-26,000
Total, scorekeeping adjustments	11,034,271	10,881,000	10,881,000	-153,271
Adjusted total (includ. scorekeeping adjustments)	671,140,101	657,296,743	633,743,127	-37,396,974
Appropriations	(673,153,637)	(657,296,743)	(636,318,344)	(-36,835,293)
Rescissions	(-2,013,536)	---	(-2,575,217)	(-561,681)
Total mandatory and discretionary	671,140,101	657,296,743	633,743,127	-37,396,974
Mandatory	(292,000)	(513,700)	(513,700)	(+221,700)
Discretionary	(670,848,101)	(656,783,043)	(633,229,427)	(-37,618,674)

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Title I - Military Personnel	126,739,756	132,096,541	131,090,539	+4,350,783
Title II - Operation and Maintenance	165,560,124	170,759,313	163,073,141	-2,486,983
Title III - Procurement	102,121,873	114,365,617	104,579,701	+2,457,828
Title IV - Research, Development, Test and Evaluation	74,957,028	75,325,082	72,420,675	-2,536,353
Title V - Revolving and Management Funds	2,909,402	2,701,394	2,675,529	-233,873
Title VI - Other Department of Defense Programs	34,313,256	35,519,627	35,593,020	+1,279,764
Title VII - Related Agencies	941,732	1,105,913	1,061,591	+119,859
Title VIII - General Provisions (net)	-5,117,461	29,000	-2,597,704	+2,519,757
Title IX - Overseas Contingency Operations (OCO) 3/	157,680,120	117,725,751	114,965,635	-42,714,485
Total, Department of Defense	660,105,830	649,628,238	622,862,127	-37,243,703
Scorekeeping adjustments	11,034,271	10,881,000	10,881,000	-153,271
Less appropriations for subsequent years	---	-3,212,495	---	---
Total mandatory and discretionary	671,140,101	657,296,743	633,743,127	-37,396,974

FOOTNOTES:
1/ Included in Budget under Operation and Maintenance
2/ Included in Budget under Procurement
3/ Global War on Terrorism and other activities (GWOT) pursuant to FY 2012 budget resolution (H.Con.Res. 34). The President proposes overseas contingency operations
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in Book II.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representative, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2011 at 5:15 p.m.:

That the Senate agreed to the conference report accompanying the bill H.R. 1540.

That the Senate agreed to H. Con. Res. 92.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 12 o'clock and 56 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H.R. 3672, DISASTER RELIEF APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H. CON. RES. 94, CORRECTING THE ENROLLMENT OF H.R. 3672; AND FOR OTHER PURPOSES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–332) on the resolution (H. Res. 500) providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today after 2 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and December 16.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for Friday, December 16, on account of attending an important event in the district.

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today on account of family medical issues.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes a.m.), the House adjourned until today, Friday, December 16, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4307. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order; Stay of Regulations [Documented No.: AMS-FV-10-0008-1A] (RIN: 0581-AD00) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4308. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment [Docket Number: EERE-2011-BT-STD-0047] (RIN: 1904-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4309. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans [CMS-9998-IFC2] (RIN: 0938-AR35) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4310. A letter from the Program Manager, Department of Heath and Human Services, transmitting the Department's final rule — Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act [CMS-9998-FC] (RIN: 0938-AQ71) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4311. A letter from the Director, Regulatory Management Division, Enviromental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virgina and Ohio; Determinations of Attainment of the 1997 Annual Fine Particle Standard for the Parkersburg-Marietta and Wheeling Nonattainment Areas [EPA-R03-OAR-2011-0469; FRL-9498-7) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revisions to Control Volatile Organic Compound Emissions for Surface Coating and Graphic Arts [EPA-R06-OAR-2010-0775; FRL-9496-8) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4313. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard [EPA-R06-OAR-2010-0776; FRL-9498-2) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District [EPA-R09-2011-0846; FRL-9493-2] received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4315. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affaris, transmitting the Department's final rule — Servicemembers' Group Life Insurance Traumatic Injury Protection Program — Genitourinary Losses (RIN: 2900-AO20) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4316. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and Claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-57) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2055. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112–3310). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 500. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes: providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes (Rept. 112–332). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN of Colorado:

H.R. 3673. A bill to prohibit an increase in the compensation of Members of Congress from taking effect unless Congress consents to the increase by concurrent resolution; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. KING of New York, Mr. MCCAUL, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. MARINO, Mr. LONG, Mr. TURNER of New York, Mr. STIVERS, and Mr. LANGEVIN):

H.R. 3674. A bill to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to cybersecurity, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 3675. A bill to repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANDRY (for himself, Mr. DUNCAN of South Carolina, Mr. BUCSHON, Mr. HUELSKAMP, Mr. GRAVES of Georgia, Mr. WALSH of Illinois, Mr. ROKITA, Mr. LABRADOR, Mr. HARRIS, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. GOWDY, Mr. MULVANEY, Mr. REED, Mr. GOHMERT, Mr. CLARKE of Michigan, and Mr. GOSAR):

H.R. 3676. A bill to amend the detainee provisions of the National Defense Authorization Act for Fiscal Year 2012 to specifically state that United States citizens may not be detained against their will without all the rights of due process afforded to citizens in a court ordained or established by or under Article III of the Constitution of the United States; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. BRADY of Pennsylvania, Ms. LEE of California, and Mr. TIERNEY):

H.R. 3677. A bill to authorize the Secretary of Housing and Urban Development to establish a national program to create jobs and increase economic development in underserved areas by promoting cooperative development; to the Committee on Financial Services.

By Mr. MCNERNEY:

H.R. 3678. A bill to amend the Plant Protection Act to direct the Secretary of Agriculture to provide assistance to certain owners as compensation for economic losses due to quarantine, and for other purposes; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KING of New York, Ms. SPEIER, Ms. NORTON, Ms. BORDALLO, Mr. BLUMENAUER, Mr. WELCH, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. LUJÁN, Mr. HINCHEY, Mr. OLVER, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. MCDERMOTT, Mr. SMITH of Washington, Ms. WILSON of Florida, Mr. HONDA, and Mr. HOLT):

H.R. 3679. A bill to amend the Public Health Service Act to establish the position of National Nurse for Public Health; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS (for herself and Ms. DEGETTE):

H.R. 3680. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEBSTER:

H.R. 3681. A bill to amend the Internal Revenue Code of 1986 to allow a credit to passthru entities for hiring individuals who are unemployed and receive unemployment benefits; to the Committee on Ways and Means.

By Mr. DUFFY:

H.R. 3682. A bill to repeal the Patient Protection and Affordable Care Act and provide for comprehensive health reform, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BUERKLE:

H.R. 3683. A bill to amend title XVIII of the Social Security Act to delay implementation of the Medicare hospital readmissions reduction program for 5 years, to require Congressional approval for additional applicable conditions, and to provide for a report on potential impact of such program; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. REED):

H.R. 3684. A bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, and Mr. AMODEI):

H.R. 3685. A bill to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 3686. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. COURTNEY):

H.R. 3687. A bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NADLER:

H.R. 3688. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3689. A bill to authorize the Administrator of the Environmental Protection Agency to waive any emission standard or other requirement under section 112 of the Clean Air Act (42 U.S.C. 7412) applicable to the control of asbestos emissions in the demolition or renovation of a condemned building for which there is a reasonable expectation of structural failure; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 3690. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself, Mr. KIND, Ms. MCCOLLUM, Mr. KLINE, Mr. CRAVAACK, Mr. MCGOVERN, Mrs. BACHMANN, Mr. WALZ of Minnesota, and Mr. ELLISON):

H.R. 3691. A bill to amend title XVIII of the Social Security Act with respect to application of the frailty adjustment to certain Medicare Advantage plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. BASS of New Hampshire):

H.R. 3692. A bill to establish an entrepreneur-based immigrant category for alien entrepreneurs who have completed or are in the process of completing a degree in Science, Engineering, Math or a technology-related field; to the Committee on the Judiciary.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3693. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 1-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3694. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 5-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi (for himself, Mr. CUMMINGS, Mr. DUNCAN of Tennessee, and Mr. PIERLUISI):

H.R. 3695. A bill to amend title 14, United States Code, to modify the process for congressional nomination of individuals for appointment as cadets at the Coast Guard Academy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COFFMAN of Colorado:

H.J. Res. 93. A joint resolution proposing an amendment to the Constitution of the United States relating to limits on the number of terms a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOEHNER:

H. Res. 497. A resolution to provide for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol; to the Committee on House Administration.

By Mr. CARTER:

H. Res. 498. A resolution recognizing and commending Baylor University quarterback Robert Griffin III for winning the 2011 Heisman Trophy and for his academic and athletic accomplishments; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. QUIGLEY):

H. Res. 499. A resolution congratulating the students, staff, faculty, and alumni of the City Colleges of Chicago on the 100th anniversary of the institution; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

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

By Mr. COFFMAN of Colorado:

H.R. 3673.

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

The constitutional authorities on which this bill rests are:

The power of Congress to make law regarding the compensation for the services of Senators and Representatives, as enumerated in Article I, Section 6, Clause 1 of the United States Constitution, as amended by the 27th Amendment to the United States Constitution.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3674.

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

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. SCALISE:

H.R. 3675.

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

Article 1, Section 8, Clause 18

By Mr. LANDRY:

H.R. 3676.

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

This bill is enacted pursuant to the power granted to Congress under Article I, section 8 of the United States Constitution (clauses 10, 11, 14, and 18), which grants Congress the power to define and punish offenses against the law of nations, to make rules concerning captures on land and water; to make rules for the government and regulation of the land and naval forces; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. FATTAH:

H.R. 3677.

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

This bill is enacted pursuant to the power granted to Congress under Article I Section 8 Clause 3 of the United States Constitution, which states the United States Congress shall have power ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''.

By Mr. MCNERNEY:

H.R. 3678.

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

Article I, section 8 of the United States Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3679.

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

Article I, section 8, clause 1 of the Constitution of the United States.

By Mrs. MCMORRIS RODGERS:

H.R. 3680.

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

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. WEBSTER:

H.R. 3681.

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

Article I, Section 8, Clause 1. ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;''.

By Mr. DUFFY:

H.R. 3682.

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

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article I of the Constitution. The bill repeals the Patient Protection and Affordable Care Act, which exceeds the authority vested in Congress by the Constitution. Finally, the bill removes government intrusion into the doctor-patient relationship, which is protected by the Ninth and Tenth Amendments to the Constitution.

By Ms. BUERKLE:

H.R. 3683.

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

Article I, Section 8.

By Mr. GRIMM:

H.R. 3684.

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

Article I, Section 8, Clause 3

By Mr. HERGER:

H.R. 3685.

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

Article IV, Section 3, Clause 2.

By Mr. KEATING:

H.R. 3686.

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

Article 1, Section 8 of the United States Constitution.

By Mr. MICHAUD:

H.R. 3687.

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

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NADLER:

H.R. 3688.

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

Article 1, sec. 8, cl. 3 (commerce clause), cl. 8 (copyright clause), and cl. 18 (necessary and proper clause).

By Mr. OWENS:

H.R. 3689.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. PALLONE:

H.R. 3690.

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

Article 4, Section 3, Clause 2:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. PAULSEN:

H.R. 3691.

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

Article 1, Section 8.

By Mr. SCHIFF:

H.R. 3692

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

Article I, Section 8, Clause 4 of the Constitution. Article I, Section 8, Clause 4 of the Constitution.

By Mr. STIVERS:

H.R. 3693.

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

Article 1, Section 8—''To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures''

By Mr. STIVERS:

H.R. 3694.

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

Article 1, Section 8—''To coin Money, regulate the Value thereof, and foreign Coin, and fix the Standard of Weights and Measures''

By Mr. THOMPSON of Mississippi:

H.J. 3695.

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

The Constitution including Article I, Section 8.

By Mr. COFFMAN of Colorado:

H.J. Res. 93.

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

Article V of the U.S. Constitution.

ADDITIONAL SPONSORS

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

H.R. 32: Mr. AL GREEN of Texas and Ms. SCHAKOWSKY.

H.R. 104: Mr. DINGELL.

H.R. 177: Mr. HARRIS.

H.R. 191: Mr. RANGEL.

H.R. 265: Ms. CLARKE of New York.

H.R. 266: Mr. SABLAN.

H.R. 267: Mr. SABLAN.

H.R. 452: Mrs. ADAMS.

H.R. 507: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 620: Mr. JONES.

H.R. 721: Mr. RIVERA, Mr. WITTMAN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, and Ms. EDDIE BERNICE JOHNSON, of Texas.

H.R. 733: Mr. CARDOZA, Mr. HURT, and Mr. REED.

H.R. 735: Mr. REHBERG.

H.R. 876: Ms. CHU.

H.R. 890: Mr. BUCHANAN, Mr. CRENSHAW, and Mr. PETERSON.

H.R. 1063: Mr. SCOTT of South Carolina and Mr. JOHNSON of Ohio.

H.R. 1148: Mr. TIERNEY and Mr. INSLEE.

H.R. 1193: Mr. RIVERA.

H.R. 1206: Mr. FRELINGHUYSEN.

H.R. 1259: Mrs. EMERSON and Mr. ROYCE.

H.R. 1288: Mr. ACKERMAN.

H.R. 1294: Mr. ENGEL.

H.R. 1295: Mr. ENGEL.

H.R. 1332: Mr. MARKEY, Mr. LEWIS of California, Mrs. MCMORRIS RODGERS, Mr. HANNA, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. DOGGETT, Mr. BRALEY of Iowa, Mr. JONES, Mr. DOLD, Mr. DEUTCH, Ms. CASTOR of Florida, and Mr. ENGEL.

H.R. 1418: Mr. LOBIONDO.

H.R. 1463: Mrs. ELLMERS.

H.R. 1513: Ms. HIRONO, Ms. PINGREE of Maine, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. SLAUGHTER, and Mr. CUMMINGS.

H.R. 1524: Mr. GRIJALVA.

H.R. 1672: Mr. MEEKS, Mr. HANNA, Mr. SERRANO, Ms. HOCHUL, and Mr. SMITH of New Jersey.

H.R. 1697: Mr. LATOURETTE and Mr. AKIN.

H.R. 1704: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 1738: Mrs. BIGGERT, Mr. FITZPATRICK, and Mr. THOMPSON of Pennsylvania.

H.R. 1744: Mr. FLEISCHMANN.

H.R. 1834: Mr. BROUN of Georgia.

H.R. 1956: Mr. GRAVES of Missouri.

H.R. 1978: Mr. GRIJALVA and Mr. FILNER.

H.R. 2020: Mr. LARSON of Connecticut.

H.R. 2040: Mrs. BLACK.

H.R. 2093: Mr. MARCHANT.

H.R. 2098: Mr. HOLT and Ms. WOOLSEY.

H.R. 2182: Mr. HIMES.

H.R. 2268: Mr. WILSON of South Carolina.

H.R. 2284: Mr. BILIRAKIS.

H.R. 2313: Mr. GALLEGLY and Mr. GUINTA.

H.R. 2412: Mr. PAYNE and Mr. HOLT.

H.R. 2418: Mr. LATHAM.

H.R. 2429: Ms. JENKINS.

H.R. 2453: Mr. JOHNSON of Ohio, Mr. ROSKAM, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. COLE, Mr. GRIFFIN of Arkansas, Mr. PALAZZO, Mr. NUNES, Mr. REHBERG, Mr. SCHWEIKERT, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALDEN, Mr. MCCLINTOCK, Mr. HARRIS, Mr. LANDRY, Mr. STUTZMAN, Mr. KINGSTON, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. AMODEI, Mr. WHITFIELD, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. GARRETT, Mr. MCCOTTER, Mr. CASSIDY, Ms. HAYWORTH, Mr. BASS of New Hampshire, Mr. PETRI, Mr. DENT, Mr. BOUSTANY, Mr. DENHAM, Mr. GUTHRIE, Mr. SCHOCK, Mr. TERRY, Mr. YOUNG of Florida, Mr. SHUSTER, Mr. THORNBERRY, Mr. CULBERSON, Mr. BARTON of Texas, Mr. SIMPSON, Mr. MCHENRY, Mr. PAULSEN, Mr. CONNOLLY of Virginia, Mr. YODER, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. ROHRABACHER, Mr. KING of Iowa, Mr. DAVIS of Kentucky, Mr. OLSON, Mr. STIVERS, Mrs. NOEM, Mr. FRANKS of Arizona, Mrs. BLACK, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. GARDNER, Mr. MCKINLEY, Mr. KINZINGER of Illinois, Mr. KING of New York, Mr. TURNER of New York, Mr. FLEMING, Mr. NEUGEBAUER, Mr. GIBSON, Mrs. CAPITO, Mr. FARENTHOLD, Mr. AUSTIN SCOTT of Georgia, Mr. STEARNS, Mr. BURGESS, Mr. BACHUS, Mr. RENACCI, Mr. GRIFFITH of Virginia, Ms. JENKINS, Mr. HUELSKAMP, Mr. FLEISCHMANN, Mr. GRIMM, Mr. HUIZENGA of Michigan, Mr. YOUNG of Alaska, Mr. BENISHEK, Mr. CAMPBELL, Mr. LANCE, Mr. FRELINGHUYSEN, Mr. CONAWAY, Mr. NUGENT, Ms. BUERKLE, Mrs. ADAMS, Mr. MANZULLO, and Mr. ADERHOLT.

H.R. 2484: Mr. YOUNG of Florida.

H.R. 2492: Mr. MCNERNEY, Mr. QUIGLEY, and Mrs. BIGGERT.

H.R. 2499: Ms. BERKLEY.

H.R. 2536: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 2543: Mr. DEFAZIO.

H.R. 2786: Mrs. MALONEY and Mr. ISRAEL.

H.R. 2874: Mr. PENCE.

H.R. 2881: Ms. WATERS.

H.R. 2996: Mr. JONES.

H.R. 3053: Mr. PAYNE.

H.R. 3082: Mr. RIBBLE.

H.R. 3122: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3129: Mr. MORAN.

H.R. 3162: Mr. BACHUS.

H.R. 3242: Ms. LEE of California.

H.R. 3269: Mr. SCALISE, Mr. HONDA, Mr. ROKITA, Mr. MCNERNEY, Mr. THORNBERRY, Mr. TIERNEY, Mr. YODER, Mr. ROE of Tennessee, Mr. YOUNG of Florida, Mr. SCOTT of South Carolina, Mr. HIMES, Mr. BUCHANAN, Mr. CLARKE of Michigan, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. HINCHEY, Mr. SARBANES, and Mr. MCCOTTER.

H.R. 3276: Mr. BILIRAKIS, Mr. WEST, Mr. DIAZ-BALART, Mr. BUCHANAN, and Mr. YOUNG of Florida.

H.R. 3324: Mr. HONDA.

H.R. 3368: Mr. CLARKE of Michigan.

H.R. 3399: Mr. HOLDEN and Mr. CHANDLER.

H.R. 3400: Mr. DESJARLAIS, Mr. GUINTA, Mr. COLE, and Mr. PITTS.

H.R. 3423: Mr. TERRY, Mr. GRIFFIN of Arkansas, Mr. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Mr. DONNELLY of Indiana, Mr. HULTGREN, Mr. TURNER of New York, Mr. JACKSON of Illinois, Mr. BRALEY of Iowa, Mr. BACHUS, Mrs. LOWEY, Mr. STARK, Mr. HONDA, and Ms. PINGREE of Maine.

H.R. 3425: Mr. FARR.

H.R. 3442: Mrs. NAPOLITANO, Mr. MCDERMOTT, Ms. LORETTA SANCHEZ of California, and Mr. LOEBSACK.

H.R. 3521: Mr. MULVANEY, Mr. SHERMAN, Ms. BASS of California, Mr. CICILLINE, Mr. HUELSKAMP, and Mr. LANCE.

H.R. 3547: Mr. QUIGLEY, Mr. POLIS, and Mr. STARK.

H.R. 3572: Mr. DOGGETT, Mr. ELLISON, Mr. GARAMENDI, Mr. COURTNEY, Mr. YARMUTH, Mr. NADLER, Mr. KEATING, and Mr. CLARKE of Michigan.

H.R. 3573: Ms. LEE of California, Mr. GRIJALVA, and Ms. WOOLSEY.

H.R. 3577: Mr. GOHMERT, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. MULVANEY, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. BARTLETT, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. HUELSKAMP, Mr. JOHNSON of Illinois, Mr. YOUNG of Indiana, and Mr. HUIZENGA of Michigan.

H.R. 3581: Mr. ROKITA.

H.R. 3582: Mr. HANNA, Mr. FLORES, Mr. FLEMING, Mr. MARCHANT, Mr. MULVANEY, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DESJARLAIS, Mr. ROKITA, and Mr. GOSAR.

H.R. 3589: Mr. FORTENBERRY and Ms. BUERKLE.

H.R. 3606: Mr. DOLD, Ms. HAYWORTH, and Mr. ROYCE.

H.R. 3627: Mr. HONDA and Mr. SESSIONS.

H.R. 3638: Mr. CAPUANO, Mr. JOHNSON of Georgia, and Ms. SCHAKOWSKY.

H.R. 3639: Mr. WEST and Mr. WOMACK.

H.J. Res. 8: Ms. HOCHUL.

H.J. Res. 86: Ms. ESHOO.

H.J. Res. 88: Mr. COOPER.

H.J. Res. 92: Mr. GRIJALVA.

H. Con. Res. 85: Mr. GENE GREEN of Texas and Mr. PETERSON.

H. Con. Res. 87: Mr. MICHAUD and Mr. FALEOMAVAEGA.

H. Res. 282: Mr. BERMAN.

H. Res. 475: Mr. JONES, Mr. SCHILLING, Mr. GRIFFIN of Arkansas, and Mr. BOUSTANY.

H. Res. 490: Mr. LONG, Mr. GOHMERT, Mr. WALSH of Illinois, Mr. GOWDY, Mr. GRAVES of Georgia, Mr. FINCHER, Mr. AKIN, Mr. HARRIS, Mr. COLE, Mr. TIBERI, Mr. LAMBORN, Mr. FLEMING, Mr. AUSTIN SCOTT of Georgia, Mr. POSEY, Mr. KING of Iowa, Mr. BROOKS, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. FLORES, Mr. MULVANEY, Mr. STUTZMAN, Mr. GINGREY of Georgia, Mr. DESJARLAIS, Mr. KELLY, Mrs. NOEM, Mr. TURNER of New York, Mr. AMODEI, Mr. CRAWFORD, Mr. BENISHEK, Mr. BARTON of Texas, Mr. CARTER, Mr. POMPEO, Mr. ROKITA, Mr. SENSENBRENNER, Mr. HULTGREN, Mr. MCCOTTER, Mr. SESSIONS, Mr. TIPTON, Mr. MICA, Mrs. BLACK, Ms. BUERKLE, Mr. PALAZZO, Mr. HUELSKAMP, Mr. WESTMORELAND, Mr. ROSS of Florida, Mr. MCHENRY, Mr. COFFMAN of Colorado, Mr. POE of Texas, Mr. QUAYLE, and Mr. REHBERG.

H. Res. 492: Mr. JONES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

[Omitted from the Record of December 14, 2010]

OFFERED BY MR. CAMP

H.R. 3659, The provisions that warranted a referral to the Committee on Ways and Means in the Welfare Integrity and Data Improvement Act do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, DECEMBER 15, 2011 No. 193

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

O Merciful God, creator of humanity, You are the father of all. Equip our lawmakers for today's tasks. Give them wisdom and understanding so that their priorities will reflect Your purposes. Give them patience and skill so that their words will have persuasive power. Give them respect and civility so that Your presence will be felt in this Chamber.

We thank You for Your presence in our world and for the official cessation of hostilities in one area of our planet. Guided by Your presence, put into the hearts of our lawmakers Your concern for the lost, the lonely, and the least in our Nation and world.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 15, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. TOM UDALL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following leader remarks, we will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will be in executive session, as the order of last night indicates, to consider the nomination of Morgan Christen of Alaska to be a U.S. circuit judge for the Ninth Circuit. There will be 30 minutes of debate on that nomination. At a time to be determined later today, there will be a vote on confirmation of that nomination.

We are almost certain we are going to consider today the Department of Defense authorization conference report. The issue is how much time people may need, but I think we can work that out very quickly.

RESOLVING THE ISSUES

Mr. REID. Mr. President, the Republican leader and I have done enough back and forth, staking out our positions, and our positions are fairly clear to the American people. What we are going to try to do during the next few hours is work toward resolving some of the outstanding issues.

I just had a very comfortable conversation with Senator INOUYE and his Appropriations chief of staff Charlie Houy, along with my chief of staff David Krone, and I think we have made pretty clear the issues that relate to the omnibus. I think, according to Senator INOUYE, those issues should be resolvable. We have a few issues that are still outstanding, but they are small in number.

The House is suggesting moving forward on an individual bill. I think that would be a mistake. I think what we should do is the conference report, and I think that is the direction we are headed. There are a couple of issues we have to still work out with the White House, but I am in touch with them also.

On the payroll tax and unemployment tax extenders and SGR, the Republican leader and I have been in discussion on that issue. We hope we can come up with something that would get us out of here at a reasonable time in the next few days.

RECOGNITION OF THE MINORITY LEADER

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

RESOLVING THE ISSUES

Mr. MCCONNELL. Mr. President, I might just echo the remarks of the majority leader. We have been in useful discussions about how to wrap up the session. He has covered the two major issues that remain. We hope to be able to pass a combination of appropriations bills, and we are working hard to figure out a way to resolve the remaining differences on the payroll tax extension and the related issues that are important to both sides. We are confident and optimistic we will be able to resolve both on a bipartisan basis.

Mr. REID. Would the Chair announce the business of the day.

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

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RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. The Senate is currently in session.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today, as I have just about every week since the health care law was passed, to give a doctor's second opinion about the health care law. I do that because I practice medicine in Casper, WY, as an orthopedic surgeon, taking care of families from all across our State, and I have significant concerns about the health care law as it was passed, the way it was passed, and what was included in the law.

So I come to the floor today because the American people continue to see one news story after another uncovering another error in the health care law, another mistake in the health care law, another glitch in the health care law. Call it what you will, we continue to see more of the health care law's unintended consequences—something that those who voted for it didn't foresee as happening—and we are also seeing another one of the President's broken promises.

I come to share with the American people concerns I have as more and more of these things come forward because hard-working individuals and families all across the Nation realize this health care law was not passed for someone such as them. What people asked for, the reason we went through the discussion and the debate had to do with the fact that people wanted the care they need, from the doctor they want, at a cost they can afford.

When I say people all across the country realize the health care law was not passed for someone such as them, and it was passed for someone else, that is the reason I come to the floor to talk specifically about something called the Early Retiree Reinsurance Program, which is part of the health care law.

On Friday, December 9—1 week ago—the Department of Health and Human Services announced its plan to shut down the Early Retiree Reinsurance Program at the end of this month—shut it down.

Remember, President Obama and Washington Democrats touted their early retiree program. They touted that as one of the health care law's early—they called it an early deliverable, something that would be there immediately. The health care law's supporters said this early retiree program would act, they said, as a bridge. They said the program would help employers maintain health insurance coverage for retirees over the age of 55 but not yet eligible for Medicare. They said this program would help people keep their insurance plan until the new health insurance exchanges were up and running in 2014.

It is only 2011 now, and they are trying to talk about a bridge to 2014. It quickly became clear the program was intended to be a bailout—a bailout—for companies with a large number of union employees.

On October 31 of this year—Halloween day—the senior Senator from my home State of Wyoming, the ranking member of the Senate Health, Education, Labor, and Pensions Committee, MIKE ENZI, released a report. That Halloween day report is a report the Senator asked for. It was a report he asked the Government Accountability Office to conduct, specifically looking into the early retiree program's implementation.

This is why the report is so scary: The GAO, the Government Accountability Office, said through the end of September of 2011, the administration had already spent more than half the $5 billion allocation—more than half already spent by September of 2011.

Let's fast forward to December 14, 2011. We are talking about yesterday. The House Energy and Commerce Committee released updated information about the early retiree program's spending. As of last Friday, December 9, 2011, the Obama administration—the people in charge of this bill, the people who wanted it, passed it, said it would work—said: Oh, we have now spent over $4.5 billion of the $5 billion budget—91 percent of the total early retiree program budget. It was supposed to last through 2014, and 91 percent of it is gone. The budget should have lasted 1,300 days. Instead, this administration drained the money—taxpayers' money, hard-earned dollars—in just 579 days.

The early retiree program has run out of money so fast that it is going to be forced to close 2 years early. The administration has said it is no longer going to pay out claims submitted after December 31 of this year.

The health care law's supporters promised the early retiree program would stay in place through January 1st of 2014. What we have is another broken promise. Just a little over a month after the GAO report was released, we are now finding out this administration spent more than $4.5 billion of the total $5 billion allocation that was supposed to last until 2014.

How did this administration—one that claims to be fiscally responsible, one that claims to be accountable, one that claims to be open—how did this administration allow this program to run out of money years ahead of schedule? It went broke because certain corporations and union-affiliated organizations rushed to grab a taxpayer bailout.

It is astonishing that the health care law's supporters forced the American taxpayers to foot the bill to keep private companies' and unions' health insurance benefit promises to their workers. Most Americans would be shocked and outraged to learn the administration did not even require companies to disclose their earnings in order to get the early retiree program funding.

Let me repeat that. The Department of Health and Human Services chose to not mandate that employers prove—prove—they needed funding from the early retiree program before approving the applications and then sending them—those corporations and those union plans—taxpayer dollars. The Department of Health and Human Services said: No. Here is your money.

News reports indicate small businesses asked the administration to set up a review process to stop government entities and unions from consuming all this early retiree program money. According to the GAO report, the administration refused. They decided to distribute early retiree subsidies on a first come, first served basis.

The GAO findings and the House Energy and Commerce Committee report suggest the Obama administration used the Early Retiree Reinsurance Program to reward its political allies. These two reports suggest this administration did so by directing most of the program's resources to plans serving unionized auto and government workers.

This is based on the administration's own data: Based on the administration's data, nearly half of the entire $5 billion program will be spent on just 20 entities. It is fascinating that the most money of all—the most money of all—went to the United Auto Workers Retiree Medical Benefits Trust. So how much did the United Auto Workers need? They took over $387 million.

Administration officials said the reason they are giving away the taxpayers' money so fast is because the program is so popular. Spending money fast does not mean this government and this administration is spending taxpayer dollars wisely.

Similar to so many parts of the health care law, the early retiree program just throws money at a problem rather than trying to fix it. We could have worked together in Congress. We could have worked together to help our Nation's early retirees have better access to health insurance. We could have done it by enacting meaningful health care reform—health care reform that actually lowers the cost of medical care.

Remember, that is what the President promised. That is what he promised in a joint session of Congress. He stood there, and he said under his plan the cost of health insurance would actually go down. He used the term ''about $2,500 per family per year.'' That is what he promised; that the cost of health insurance for American families would go down by $2,500 a year.

What are families at home seeing? They continue to see the cost of their health insurance go up—and go up a lot. The President and Washington Democrats squandered their chance to enact real health care reform, and they did that the moment they decided to ram a very partisan health care law through Congress and ignore the cries of the American people—people at home who said: Stop. Do not do this.

Now the American people are seeing, once again, the consequences of those actions by this President and the Democratically controlled Congress, seeing that the consequences are ones they, the American people, continue to have to pay for.

It is time to repeal the President's health care law. We need to get back to patient-centered care, the care people need, from the doctor they want, at a cost they can afford.

At this point, I continue to come to the floor because I continue to believe this health care law is bad for patients, it is bad for providers—the nurses and doctors who take care of those patients—and it is terrible for the American taxpayers. That is why, as I go home every weekend and talk to people around my home State, they say: This was not passed for me. This was a law passed for somebody else. It is why seniors on Medicare know $500 billion under the health care law was taken from Medicare, not to save Medicare but to start a whole new government program for other people. It is why the popularity of this health care law actually continues to go down—and it is less popular today than it was the day it was passed.

It is time to repeal the President's health care law and replace it with health care proposals to help Americans get the care they need, from the doctor they want, at a cost they can afford.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

PAYROLL TAX CUT EXTENSION

Mr. CASEY. Mr. President, I rise this morning to talk about an issue that the American people expect us to take action on, and that is to provide another extension of the payroll tax cut we put into place in 2010.

I want to provide a little bit of background by way of recent history. We started this debate a number of weeks ago when I proposed legislation which would do the following—this is a brief summary. But here is what I proposed: that we would not only continue the payroll tax cut for workers, but that we would enlarge it, make it a bigger cut. So instead of having the payroll tax cut for employees across the country that would amount to $1,000, as we did last year—that was the right thing to do last year as part of the larger bill—I thought we should go further and cut the payroll tax in half for workers across America.

What we are talking about here is 160 million American workers. This is not some small matter. This is a major issue for the American people and for those 160 million families in America. That is what I proposed on the employee side; instead of cutting it to the level we did last year, we cut it even more—cut it in half.

Then I added to that a provision for business so that you would have businesses across the United States, 98 percent of them, also get their payroll taxes cut in half as well. So you have employees and employers getting a cut of their payroll tax obligations in half. I added a third element, which would be a credit, so that if you are a business and you add to your payroll, meaning you hire someone, you increase wages, you somehow increase your payroll, you could get not just a cut in your payroll tax as applies to those new employees or wages, you would have a full cut. In other words, you would pay zero, zero payroll tax if you added to your bottom line.

What you have here is three elements in legislation that would not only help 160 million workers but would help most of the businesses in America. I put into the legislation a provision that says if we are going to do all of this, we need to pay for it. We had a full series of ways to pay for it. One of those was, of course, the provision of the surtax on individuals with incomes above—the key word is ''above''—$1 million. So if you are making $1 million, that entire million dollars was tax free; not a dime of surtax until you went above it. We had it at 2.2 percent. We had a vote on it. It was rejected by the other side. I said: Well, okay, let's come together. We will work with the other side, our leadership, and take into consideration some of the concerns the other side raised, trying to be reasonable, trying to compromise and come together.

What we did is we reduced the surtax substantially to 1.9 percent, a big cut, a big reduction in the level of the surtax. As I said, I wanted to have a payroll tax cut for businesses across America. The other side did not want that, for whatever reason. The other side did not want to cut payroll taxes for business. I do not understand that, but that is what they wanted. They wanted that out of the bill. So that was out of the bill. The surtax was reduced. We are at the point where we are talking mostly about expanding and extending—I should say extending first, extending and hopefully expanding the payroll tax cut that we put in place last year for workers, 160 million workers, and as we cut it in half, $1,500 in the take-home pay of workers, $1,500 in your pocket, so you would not have, absent this action, as last year, $1,000 dollars in your pocket in take-home pay, because of the action we took last year.

Here we are now, all of these days later, several weeks now of debating this issue. For whatever reason, the other side does not want to have a vote on a measure the House passed. I do not understand that. I realize the votes are not there, but I think it is very important that we move forward and come to an agreement on a very fundamental issue for the American people.

They know, as well as everyone here knows, this is not in dispute, it is a fact, that if we pass a payroll tax cut for 160 million Americans, the impact on the economy will be seismic, substantial—you can pick your word—it will have a huge positive impact on our economy.

The corollary to that is if we do not do this, it will have a very adverse, negative impact on gross domestic product and on jobs. So if you want to reduce the number of jobs created in America in 2012—I do not know anyone who wants to do that, but if that is what you want to do, not taking action is a way to do that.

We hear phrases in Washington all of the time: Job killer. Not passing a payroll tax cut extension for 160 million Americans is a job killer, without a doubt.

Anyone who is credible in this town knows that. This is something the American people want us to do. They are tired of the finger-pointing and whining and the politics of Washington. They want us to get this done. We should get it done—if we are doing the right thing—today or tomorrow, but we have some people who are playing games.

I hope our friends on the other side of the aisle, who talk a lot about tax cuts and a lot about helping folks through this recession, will vote with us to cut the payroll tax and end this long debate that doesn't make much sense. We have a lot of other issues to debate, but this should not be one of them because we have been working on this for weeks.

The American people understand what this is about. This is about take-home pay. This isn't a complicated issue. We are either going to put more money in their pockets or we are not. It is very simple. We believe, on this side of the aisle—and I think the overwhelming majority of Americans believe this—that if workers have more take-home pay in their pockets, the impact on the economy will be very positive.

We had Mark Zandi do some analysis. He is a great economist who has provided data and information for people on both sides of the aisle for a long time. He is a very credible, capable economist. Our staff asked him to look at the impact just on Pennsylvania—just one State but a big State, and I think it is reflective of the country in a lot of ways. The basic analysis was, if we don't pass the payroll tax cut for workers, what happens in Pennsylvania? The impact in 2012 would be a loss of just shy of 20,000 jobs, roughly 19,500 jobs. This is in a State where we need to create a lot more jobs. But we know that in 2011—the year is not over—the most recent number of jobs added in Pennsylvania in the last year was over 50,000. I believe we can come to a number like that in 2012.

If we don't pass the payroll tax cut for those 160 million workers, in a State such as Pennsylvania the effect is that we lose 20,000 jobs. You can do the math and extrapolate from that to indicate what would happen to the country. So in a State where we had a net gain of more than 50,000 jobs last year, we are talking about not putting in place a tax cut policy, and that would cut that job gain a little less than half. So instead of creating 50,000 jobs, you would create 40 percent less. That doesn't make any sense under anyone's analysis about what we should be doing.

It is critically important that we take steps in the next few days—I hope in the next few hours—to finally pass a payroll tax cut and to also make sure we don't harm the economy as well by failing to take action on unemployment insurance. Again, unemployment insurance is not just for that worker and his or her family to get back on their feet after they lost their job through no fault of their own, it also has a positive impact on the economy. You spend a buck on unemployment insurance, and you get back almost two bucks—$1.90. Whether it is $1.50 or $1.90, we know that if you spend a dollar, all of us get in return something much more substantial than that dollar we put in.

We need to do both of these things, take both of these actions for the larger economy. This isn't about one group benefiting and another group not. Both of these actions—reducing the payroll tax for workers and unemployment insurance—will have a substantial impact on everybody. It will help the economy for the American people.

In the payroll tax cut, there is a particular significant group of Americans who would be most positively impacted; that is, those 160 million American workers. I believe most folks out there who are in the holiday shopping season—maybe they are finished shopping or maybe they are still making purchases—would like the peace of mind to know they can spend a little extra for that gift for a loved one, and maybe they can have a little more peace of mind knowing that the economy is still in difficult shape but that their own lives—and so many people are leading lives of struggle and sacrifice and anxiety about the future. But this is one step we can take—passing the payroll tax cut—that would give them some peace of mind that moving into 2012 they will have more dollars in their pockets. I hope it will be $1,500, but at least we should do what we did last year and make sure those 160 million workers in America have as much as $1,000, on average, in their pockets. That would be good for that worker and his or her family, the community, and all of us because it would help kick-start, jump-start economic growth and job creation when we badly need that in the midst of a still very difficult recession.

Mr. President, we are going to keep on this, keep pushing, and keep making sure the American people know what is at stake. For those 160 million Americans who are waiting for us to take action, as well as what is at stake for the larger economy, if we do this—pass the payroll tax cut—and if we do the right thing on extending unemployment insurance, we can move into 2012 with some confidence, while being aware it is still difficult, that the economy will grow a little more, jobs will be created at a higher rate, and we can have some confidence that we can end 2012 with a stronger economy than we had at the end of this year.

I hope our friends will come across the aisle, so to speak, and work with us to get this done because the American people are tired of the politics and the fighting. They want us to come together on a new payroll tax cut for 2012. We can do it, they support it, and we should get this done.

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

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

The legislative clerk proceeded to call the roll.

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

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

TAX CUTS AND UNEMPLOYMENT

Mr. DURBIN. Mr. President, we are all in the holiday spirit, at least partially, knowing that our families and the people we love are waiting for us back home and around the country to celebrate this once-a-year holiday occurrence. But we know we can't leave. We can't leave Washington until we get our job done.

The job we have to do is to be mindful of important measures that need to be enacted into law before any of us can leave this town with a clear conscience. One is the payroll tax. Currently, those working—160 million Americans—get a 2-percent reduction in the payroll tax every pay period. For the average family in Illinois—making about $53,000 a year—the amount that payroll tax deduction has been calculated to be is somewhere in the range of $1,000 a year. Now, that means about $100 a month for families who are working and enjoying this payroll tax cut.

I know what is happening with that money. It is being spent, and spent quickly, by many working families who have a job but are struggling from paycheck to paycheck. If gasoline prices go up, if utility bills are higher than expected, then the amount they thought they had put away as a reserve quickly vanishes. Particularly at the holiday season, when kids need warm clothes, when they need to keep the house warm for the family, and they are trying to put a few things under the Christmas tree, that $100 is more than just a small amount. It could mean a lot to a family, and it is going to expire. On January 1 it goes away.

As of January 1, these working families will see their paychecks reduced by about $100 a month, on average. Now, Members of Congress—Members of the Senate—may not feel that, but a lot of working families will. We cannot leave Washington in good conscience without extending the payroll tax cut.

President Obama has been talking about this for 3 months. He has taken his case to the American people—first to Congress then to the American people. He has gone from State to State, community to community, and identified what this payroll tax cut means to individual families. Then he has spoken to America and said it is more than just being compassionate to those who are struggling, it is an important part of restoring economic growth in America. Money that is given in payroll tax cuts to working families is spent and respent in salaries for those who work at the shops and businesses that provide goods and services where working families do their work.

So the payroll tax cut is more than helpful to individual families; it is good for the overall economy to reduce our unemployment. That is why we cannot leave without enacting it. We have come up with what I consider to be a responsible, thoughtful way to pay for it. We impose a surtax on those making over $1 million a year, but we exempt the first $1 million in income they receive.

So if a person is being paid $20,000 a week—that is what a millionaire would make each year—their taxes don't go up. But for the next $1 million they make, there is a surtax of a few percentage points. I think that is reasonable. I think people who are comfortable and well off and, frankly, lucky to be living in this country should be willing to sacrifice a little to help working families.

We could only find one Republican Senator who would join us in this effort to put a higher tax on the wealthiest in America to help working families across America—only one. We need more. It takes 60 votes in the Senate.

We have a nominal majority in the Senate on the Democratic side with 53, but it takes 60 to do anything of great controversy, and this is one that is controversial. We could only get Senator COLLINS of Maine who would step over and join us in this bipartisan effort. We are searching for other ways to do this, with the understanding that it has to be done. The payroll tax cut has to be done.

But let me say there is another part to this that I think is equally important; that is, maintaining unemployment benefits for the millions across America who are out of work. This recession has gone on for a long period of time. People are unemployed for longer periods than they ever imagined. In fact, there are four unemployed people for every available job.

As I visit the centers where people are struggling to make their resumes more timely and to respond to classified ads and requests from those who would like to hire, I find these people working day in and day out in an effort to try to find a job. They are serious about it.

Those who would dismiss them and say, as long as they are receiving unemployment benefits, they are going to be too lazy to look don't know what that life is like. They do not understand what these people go through.

When I meet with unemployed people who have been out of work for some period of time, the first question I ask is, What has happened to your health insurance? Overwhelmingly, the answer is, Gone; no health insurance protection for my family because I lost my job, and my job brought me my health insurance protection. That is the reality.

When I saw the bill that came over from the Republican side this week, it troubled me. There are two provisions in there that I think are mindless and, frankly, don't reflect the reality of what people face in this recession. One of them would authorize the States to give drug tests to people who are unemployed before they can get unemployment benefits.

Is there a notion somewhere that people are not applying for work because they are addicted to drugs? I haven't seen any evidence of that. This plays into the thought process these people aren't really trying because they do not want to try. I don't buy that. I think that kind of attitude reflects the fact that those who support it and sponsor it never sit down to talk to these people and to their families and understand what they are going through.

There is an element that I think hasn't been spoken of much but should be. What happens to a family when the major breadwinner is out of work for 3 months, 6 months, a year or more? It turns out that some of the problems may not be anticipated by some Members of Congress or the Senate that should be.

I received a letter from Lanesia Hoskins, wife and mother of three, from the south side of Chicago. She wrote that her husband Theodis Hoskins, who has a college degree, had been out of work for more than 2 years. His unemployment insurance had run out, and Mrs. Hoskins had just started a second job to help support their family. She wrote, ''My body is tired and I often feel weak.''

This is how Mrs. Hoskins described her husband's job search in an economy where there are still five job seekers for every available job:

> My husband has stood in long lines at the job fairs located at Chicago State University, St. Sabina Church, and for the Ford plant in Chicago. He has stood out in these hot lines just to have people inside the building take his resume and say, 'apply online.' What a waste and how humiliating after having news cameras expose your current situation with no results.

She went on to say:

> He has applied for state jobs, federal jobs, temp jobs, and gone through city agencies and has not had any results. Interview after interview. This is humiliating for a man who used to take two buses and two trains to get to work from the Southside of Chicago to Rosemont, Illinois.

Mrs. Hoskins said she could never understand politicians who say that people like her husband were ''lazy and did not want to get up and find a job because they are getting unemployment checks.''

She asked:

> How could they make such a statement about a man who had steady employment and good benefits? Who wants to collect an unemployment check and not have benefits for their family?
>
> We have a modest home, one automobile, and we do not live above our means. We are trying to keep things together, but it is difficult.

She closed her letter with a request:

> Can you please get this message across to the politicians?

Like so many American families, the Hoskins family lost a lot of ground financially while Theodis Hoskins was out of work.

Fortunately, there is a happy postscript to this family's story.

After more than 2 years of looking, Mr. Hoskins found a job. He is working about 23 hours a week at a Costco store in Chicago and he is grateful for the work.

The last thing the Hoskins family needs now is to lose $1,000 in income next year. Yet that is what will happen if Republicans refuse to extend the payroll tax cut for working families.

The Hoskins family and 160 million other working Americans will lose an average of $1,000 in income next year if Republicans insist on killing the payroll tax cut, which expires at the end of this month.

This past summer, working families in America suffered their biggest loss in wealth in more than 2 years. At the same time, corporations raised their cash stockpiles to record levels.

Our Republican friends say all the time that businesses need certainty. You know what businesses need even more than certainty? Customers.

Continuing the payroll tax cut puts money into the hands of consumers who are likely to spend that money. That is how you jump start an economy that is driven by consumer spending—not by giving bigger tax breaks to individuals and corporations that are already sitting on record amounts of cash.

We also need to maintain unemployment benefits for workers who have lost their jobs through no fault of their own, have exhausted all of their state unemployment benefits and still can't find work.

Mr. President, there are a lot of holiday traditions we look forward to. This new holiday tradition our Republican colleagues have started—threatening to cut off unemployment benefits—isn't one of them.

For the second holiday season in a row, unemployed workers and their families are being threatened with an imminent cutoff of federal unemployment benefits.

If Republicans refuse to maintain unemployment benefits, 2 million Americans will lose their jobless benefits by the end of February.

The Congressional Budget Office analyzed 11 different steps Congress could take to stimulate the economy. The most efficient short-term economic stimulus by far is extending unemployment benefits.

Every dollar we spend on unemployment generates $1.90 in economic activity. That is a 90 percent return on investment. Nothing else comes close.

According to the U.S. Census, emergency unemployment benefits kept 3.2 million Americans from slipping into poverty last year.

If the extended benefits aren't renewed, economist warn, economic growth next year could slow by up to a half-percentage point.

Some of our Republican colleagues who want to end the payroll tax cut for working families say they are concerned about the budget deficit.

We also have a serious jobs deficit in America.

They may be handing out million-dollar bonuses again on Wall Street and corporations are sitting on record amounts of cash. But there are still five job seekers for every available job in America.

Here is a sobering statistic. In the recoveries from the previous three recessions, the longest average length of unemployment was 21 weeks; that was in July 1983.

The average length of unemployment for this last recession, the Great Recession, is about 41 weeks—nearly twice the previous record.

That is the longest average unemployment since the government started keeping records in 1948.

Federal Reserve Chairman Ben Bernanke calls long-term unemployment a ''national crisis.''

He is right. The idea that we would abruptly end unemployment benefits for millions of Americans in the midst

of this national crisis is hard to believe.

Not since the Great Depression have so many Americans been out of work for so long.

When I talk to people in my state who are running food pantries and emergency shelters, they all tell me the same thing. They have never seen so many families struggling so hard for so long.

Go to an emergency food pantry and you will see America's ''new poor'': families who were solidly middle class just a few years ago, who are now having to ask for help for the first time in their lives.

It may start with a job loss. As weeks without a paycheck stretches into months, many families find themselves in financial free fall. They may lose their homes.

The inability to support one's family financially very often leads to feelings of shame and fear, which can lead to isolation, which makes it even harder to find work.

According to the Centers for Disease Control, an estimated 6.6 percent of Americans were ''clinically depressed'' in 2001 and 2002. By last year, that percentage had increased to 9 percent—an almost 50 percent increase in 8 years.

Last year, the John J. Heldrich Center for Workforce Development at Rutgers University in New Jersey released a comprehensive study of the emotional and mental health consequences of long-term unemployment on individuals.

The title of the study is, ''The Anguish of Unemployment.''

Overwhelming majorities of the survey's respondents said they feel or have experienced anxiety, helplessness, depression, and stress after being without a job.

Many said they have experienced sleeping problems and strained relationships and have avoided social situations as a result of their job loss.

Carl Van Horn, a professor of public policy and economics at Rutgers and head of the Heldrich Center said that America faces ''a silent mental health epidemic'' as jobless Americans face the financial, emotional, and social consequences of being unemployed.

One of the respondents in the Rutgers survey said:

> The lack of income and loss of health benefits hurts greatly, but losing the ability to provide for my wife and myself is killing me emotionally.

Children are especially sensitive to the effects of unemployment in the family. They pick up on their parents' stress and are more likely to suffer from poorer school performance and low self-esteem.

One recent study found that children in families with an unemployed parent were 15 percent more likely to repeat a grade in school.

In extreme cases, people who are emotionally fragile and overwhelmed may see suicide as the only way out of their troubles.

A study released last April by the Centers for Disease Control shows that suicide rates rise and fall with the economy.

It is the first study to examine the relationships between age-specific suicide rates and the economy.

It found that suicide rates rose to an all-time high during the Great Depression, fell during the expansionary period following World War II, rose again during the oil crisis of the early 1970s and the double-dip recession of the early eighties, and fell to its lowest level ever during the booming nineties.

It also found the strongest link between business cycles and suicide among people in prime working ages, 25 to 64 years old.

It is too soon to know for certain whether we will see another increase in suicide as the result of the Great Recession that started in 2007, because government figures lag. But a preliminary estimate by the CDC shows that suicide ticked up slightly in 2009, becoming the 10th leading cause of death in the United States.

It is important to stress: It is never just one factor that drives people to suicide, and most people who suffer terrible losses never even think about suicide. But for those who are already emotionally vulnerable, this time of unprecedented longterm unemployment can be very dangerous.

One more measure: Between 2004 and 2010 calls to the National Suicide Prevention Lifeline increased 72 percent. Last year, almost 40 percent of calls to the hotline involved people with financial and unemployment concerns.

The Atlantic magazine recently asked readers to share the one thing people didn't understand or appreciate about looking for work. The responses poured in.

One reader wrote:

> For those of us prone to depression, the job search can amount to a heroic effort.

Another wrote:

> Possibly the worst thing about being unemployed is having to suffer through the pundit and the politician classes gassing on interminably about what it's like to be unemployed, what kind of people are unemployed and how they think and act, when none of them knows or understands one damn thing about it, nor do they even want to. Get down here on the ground, and try to go a year on $350 a week with no hope in sight, and then tell us why the lazy unemployed just need a good swift kick to get the country moving again.

Still another wrote:

> I am over the bruises to my ego . . . The worst thing though is the impact on my kids. We were making $120K plus two years ago. Now, about $35K. Lost the house. Thankfully still in the same school. That said, the kids went from being respectably comfortable in their cohort to being comfortable if tattered (used clothes, battered rental, same old car, no summer trips, etc.). Thank God they are still young (just started third grade) but we're not having any sleepovers here no matter how much they ask. I am afraid for the social impact on them. They are so upbeat, so enthusiastic. They don't know we're in a ditch. It would break my heart if they figured that out.

Yet another wrote:

> Unemployment dehumanizes the real person. They lose the essence of their identity and value. To become a number, a label, a resume, a failure, a defect, unproductive, desperate, wishful, delusional, depressed, poor and separated from respectful society. Being unemployed is to be silently disrespected. On a par with being homeless, mentally ill or addicted.

The website Unemployed-friends.com is another place you can hear the stories of unemployed Americans who are trying to hang on.

One person wrote:

> Living in constant fear and feeling helpless to do anything about it is bound to take its toll. I really feel like I am going to have heart attack. Severe chest pains, shortness of breath, heartburn, but it has been going on for months and I'm still here. By the way, no doctor will see me without money for tests up front. I've already had the consult and that almost broke me.

Another wrote:

> Another rejection notice from Lowe's today. Second time they've rejected me with the automated rejection notice—this time for ''seasonal plumbing department associate.'' . . . I am willing to go from a 17-year professional to working doing anything I can. Retail, washing cars, pumping gas, flipping burgers . . . be it whatever. I cannot even land that!!!!!.

This is what one woman posted at 1 o'clock in the morning:

> I'm so tired. I have no more fight left in me. I am a tough NY girl but this recession has sucked the life out of me. . . . I've exhausted all resources, borrowed from everyone, lost most of everything including my pride and self esteem. I feel like nothing, a total zero, non-productive person. . . . I fully expect to look in the mirror one day and see no reflection. I am fading away, becoming irrelevant. How will I ever recover?

Peter Kramer is a professor of psychiatry at Brown University and the author of two best-selling books, ''Listening to Prozac'' and ''Against Depression.''

In a recent op-ed in The New York Times, he wrote:

> I began my psychiatry residency at a community mental health center. The director liked to put trainees in their place. He'd trade any of us, he said, for a good employment counselor. Medication and psychotherapy were fine, but they worked better if a patient had a job. . . . There is no substitute for the structure, support and meaning that jobs offer.

He went on to say that if Congress wants to do something about this silent mental health crisis that is hurting so many Americans, the best thing we can do is work with the President to pass programs that will get Americans back to work.

I couldn't agree more and I urge our Republicans colleagues to do just that.

In the meantime, at the very least, we need to maintain unemployment benefits for people who have lost jobs and are still looking and continue the payroll tax cut so that families that are working aren't hit next year with a $1,000 tax increase.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that upon the use

or yielding back of time on the Christen nomination and the resumption of legislative session, Senator MCCAIN be recognized for up to 30 minutes as if in morning business; that following Senator MCCAIN's remarks, the Senate proceed to the consideration of the conference report to accompany H.R. 1540, the Department of Defense authorization bill; that there be up to 3 hours of debate, equally divided between the two leaders or their designees; that the Senate proceed to vote on adoption of the conference report at a time to be determined by the majority leader after consultation with the Republican leader; further, that no motions be in order to the conference report other than budget points of order and the applicable motions to waive; and, finally, that upon disposition of the conference report, the Senate proceed to the consideration of H. Con. Res. 92, a concurrent resolution to correct the enrollment of H.R. 1540; the concurrent resolution be agreed to; and the motion to reconsider be considered made and laid upon the table.

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

The majority leader.

Mr. REID. Mr. President, I appreciate the courtesy of my friend, the assistant leader.

I wish to tell all the Members of the Senate that we will probably have a series of votes around 4 o'clock this afternoon.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see both Senators from Alaska on the Senate floor, and I beg their indulgence. I will continue for about 5 minutes, first on the nomination of Justice Morgan Christen of Alaska to fill one of the four vacancies on the Court of Appeals for the Ninth Circuit, a judicial emergency vacancy.

This nominee is eminently well qualified and should be confirmed. Senator MURKOWSKI and Senator BEGICH have worked very hard to get this nominee through, and I thank both of them. Today, we will take a step toward addressing a serious vacancy crisis in the busiest Federal appeals court in the country. I would hope, before we adjourn, that we could get the other 16 judges who have come out of the Judiciary Committee unanimously—every Democrat and every Republican voting for them—that are on the calendar. I would hope before we adjourn we could get those done.

Mr. President, I thank the majority leader for scheduling today's vote. It should not have taken more than 3 months to obtain Republican consent to consider the nomination of Justice Christen after it was reported unanimously by the Judiciary Committee on September 8. Her nomination has the strong support of both of Alaska's Senators, Republican Senator LISA MURKOWSKI and Democratic Senator MARK BEGICH, who introduced Justice Christen to the Judiciary Committee at her hearing on July 13. Several Republican leaders from Alaska also wrote to the Judiciary Committee to express their support, including former Alaska State Senator Arliss Sturgulewski, and Walt Monegan, the former Alaska commissioner for public safety appointed by then-Governor Sarah Palin. Connecticut State Representative Lile Gibbons, a Republican, has also written to the committee to express her support.

Justice Christen is the kind of qualified, consensus nominee who in past years would have been considered and confirmed by the Senate within days of being reported unanimously by the Judiciary Committee, not stuck for months unnecessarily on the Senate calendar. She is an experienced jurist who has served on Alaska's highest court for the past 3 years. She was nominated to that position by then-Governor Sarah Palin, and she is the second woman in Alaska's history to serve on its supreme court. Justice Christen previously served for 7 years as a judge on the Superior Court for Alaska's Third Judicial District, 3 of those years as the presiding judge. She worked in private practice for 13 years in Anchorage, clerked for Judge Brian Shortell of the Alaska Superior Court, and has demonstrated a deep commitment to her community throughout her career. Once she is confirmed, Justice Christen will be the first woman from Alaska to serve on the U.S. Court of Appeals for the Ninth Circuit.

The unexplained Republican delay in consenting to consider her nomination has caused unnecessary delays in filling judicial emergency vacancies on the Ninth Circuit, the busiest Federal circuit court in the country. Sixty-one million Americans live in the jurisdiction served by the Ninth Circuit. At a time when judges on that circuit are being called upon to handle double the caseload of the other Federal circuit courts, the Senate should have expedited the consideration of Justice Christen's nomination, not needlessly slowed it down. The chief judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's ''desperate need for judges,'' urging the Senate to ''act on judicial nominees without delay,'' and concluding that they ''fear that the public will suffer unless our vacancies are filled very promptly.''

The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of March 2011, the Ninth Circuit had 13,913 cases pending before it. The second closest—the Sixth Circuit—had 5,231 cases pending.

If caseloads were really a concern of Republican Senators, as they contended when they filibustered the nomination last week of Caitlin Halligan to the DC Circuit, they would not have delayed Justice Christen's nomination to fill a judicial emergency vacancy for over 3 months. If caseloads were really a concern, Senate Republicans would consent to move forward to confirm Judge Jacqueline Nguyen of California, another well-qualified nominee, to fill a judicial emergency vacancy on the Ninth Circuit. Her nomination was also reported unanimously by the Judiciary Committee and needs only a final up-or-down vote by the Senate. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after the Republican filibuster of Goodwin Liu. I hope the Senate will be allowed to take up and confirm her nomination to finally fill that vacancy before the Senate concludes its work for the year.

I also hope we can continue to make progress early in the New Year by considering two nominations to the Ninth Circuit now pending before the Judiciary Committee. Earlier this week we held a hearing with Paul Watford of California, nominated to fill yet another judicial emergency vacancy on the Ninth Circuit. I would have included another nominee to the Ninth Circuit at that hearing, Justice Andrew Hurwitz of Arizona, who has the support of Senator KYL, but committee Republicans were not ready to proceed on that nomination. I hope both can be considered and confirmed early next year.

The Senate should act to address the continuing crisis in judicial vacancies that affects not only the Ninth Circuit but Federal courts around the country. It is now December 15, with only days left in the Senate's 2011 session. There is no time to further delay votes on the other 20 judicial nominations now pending on the Senate calendar and awaiting a final vote. Sixteen of these nominations, in addition to that of

Justice Christen, were reported unanimously by the Judiciary Committee. Many were reported last summer and early in the fall. At a time when nearly 1 in 10 Federal judgeships remains vacant, further delays are damaging. Judicial vacancies have remained at or above 80 for over 2½ years. This hurts the millions of Americans who live in those districts and circuits and rely on our Federal courts.

We should not repeat the mistakes of last year, when the Senate Republican leadership held back its consent at the end of the year to consideration of 19 judicial nominations that had been reported by the Judiciary Committee and were ready for final Senate action. That was an abusive exercise in unnecessary delay that I believe was without precedent with respect to such consensus nominees. It took us until June of this year, halfway into 2011, to consider and confirm 17 of the nominations that could and should have been considered before the end of 2010.

In contrast, Democratic Senators proceeded to up-or-down votes on all 100 of President Bush's judicial nominations reported by the Judiciary Committee during his first 2 years in office, and all 100 were confirmed before the end of the 107th Congress.

Before we adjourn this year, there is no reason the Senate cannot at least consider the other 16 judicial nominees reported unanimously by the Committee this session, who are by any measure consensus nominees. I hope we do not see a repeat of the damaging decision by Senate Republican leadership at the end of last year to refuse to agree to votes on those nominations.

With vacancies continuing at harmfully high levels, we cannot afford to repeat these unnecessary and damaging delays. There is no reason we cannot make significant progress during the days left in this session and consider all of the consensus nominations now pending on the Senate calendar. That is what we did at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar. That is, in fact, also what we did at the end of President George W. Bush's third year. Although nine judicial nominations were left on the calendar, they were among the most controversial, extreme, and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee got Senate action before the end of the year. That is the standard we should follow this year. If we do, another 16 judges will be confirmed.

Chief Justice Roberts, the Attorney General, and the White House counsel have all spoken about the serious problems created by persistent judicial vacancies. More than 160 million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. The Senate should act to bring an end to the harm caused by delays in overburdened courts. The Republican Senate leadership should consent to votes on the qualified, consensus candidates nominated to fill these judicial vacancies before the Senate adjourns for the year. Their consideration should not be unnecessarily delayed until next spring.

DEFENSE AUTHORIZATION

Mr. LEAHY. Mr. President, again, with the indulgence of my colleagues, if I might, just for a moment, call to the attention of my colleagues the several provisions of the Defense authorization bill we are going to consider for final passage today. These provisions will have a major impact on our defense structure and performance in the years to come. These reforms were previously included in a bill I introduced with Senator LINDSEY GRAHAM in May, S. 1025, which Senator GRAHAM and I nicknamed ''Guard Empowerment II.''

As cochair with Senator GRAHAM of the Senate National Guard Caucus, I am pleased to report that the most important of these Guard empowerment reforms are included in the final version of the Defense authorization bill. They include a provision that will make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. The Joint Chiefs—our highest military policy council—has not added a member since 1978—and I remember that because I voted for it—when the Commandant of the Marine Corps was finally added as a full participant.

This is truly a historic day for the National Guard and for all the Guard does for our Nation. One might ask: Why now? Why is this change so important? Our Guard has been bravely serving in near constant rotation with Active-Duty Forces overseas for the last decade. Each of us has gone to Afghanistan or Iraq and seen our Guard serving. At the same time, these Guard troops have been the military's first responders at home. The Pentagon hasn't caught up with the institutional changes that have to accompany this. It is a whole different world for the National Guard today than what it was 20 years ago.

In fact, after all the National Guard has done over the past 10 years, we are hearing rumors the Air Force is already planning serious cuts to its Guard and Reserve components. General Schwartz, Air Force Chief of Staff, announced:

> We're going to get smaller. Active duty, Guard, and Reserve—we're going to get smaller together.

I question the logic of an across-the-board cut. I hope most of us would. That is why we have to have a Guard Chief on the Joint Chiefs of Staff to provide a vital voice, perhaps a dissenting voice, when it is needed most.

When I look at the Vermont Guard, it demonstrates why these kinds of cuts don't make sense. The Vermont Guard deployed nearly 1,500 troops to Afghanistan last year. Before that, the Vermont Guard deployed to Iraq during one of its most violent periods and made unspeakable sacrifices for this country. I know because I went to the funerals of Vermont Guard members and because we are such a small State, many times everybody knew the person who had died.

The Vermont Air Guard flew more than 100 consecutive days of air missions over New York City and Washington after the attacks of September 11 around the clock. If we properly man, train, and equip our State Guards, our military leaders will find them the peer of any Active-Duty unit. In fact, the Vermont Air Guard is one of the first three units to be considered to receive the F–35 Joint Strike Fighter. And not only will the service Chiefs find their reserve components ready to serve when called, they will find them a lot less expensive.

The Defense bill also includes several other provisions of our Guard empowerment bill. It reinstates the three-star Vice Chief of the Guard Bureau, it institutes the recommendations on Federal-State military integration offered by the Council of Governors, it includes a limited authorization of the State Partnership Program, it mandates the consideration of Guard generals for certain vacant positions at U.S. Northern Command, and on and on.

I think it is going to lay the groundwork for further collaboration between the Armed Services Committee, the Appropriations Committee, and the Senate National Guard Caucus. Our National Guard is a superb 21st-century military organization, but it has been trapped in a 20th-century Pentagon bureaucracy.

These reforms will help clear away the cobwebs.

It shows what happens when Democrats and Republicans work together. Sometimes it is not noted in the press, but a lot gets done around here when Democrats and Republicans work together. Senator GRAHAM and I introduced a bill in May that has more than 70 cosponsors from both parties. We have accomplished a lot for our Guard with this bill, again, by having Democrats and Republicans work together. There is more to be done, but what a great start.

As I have said about Democrats and Republicans working together, I have to applaud the two Senators from Alaska. Because of their hard work, we have this nominee before us, and that is something every one of us should take pride in, the way the two have worked together.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, first I want to comment on the work the Senator from Vermont has done with regard to the Guard. It affects us in Alaska a great deal, and I want to thank him for all of the hard work he has done.

In regard to the nomination today, again the chairman of the Judiciary Committee, Senator LEAHY, has done an incredible job bringing so many judges to the floor. I come to the floor today in strong support of the nomination of Morgan Christen to fill a vacancy on the Ninth Circuit Court of Appeals.

I have known Morgan for years and am continually impressed with her keen legal mind, her outstanding record of public service, and her ability to carve plenty of time out of her schedule for her extensive volunteer work.

For decades, Morgan has been recognized by her peers as one of the finest attorneys and judges in Alaska. She is currently one of the five justices on our State supreme court. I am confident she will continue to be a fair and impartial judge as a member of the Ninth Circuit.

Justice Christen was born and raised in Washington State and excelled at the Golden Gate School of Law where she earned her J.D. in 1986. Right after graduating from law school, Morgan came to my State to clerk for the Alaska Superior Court. As many people do, once she got a taste of Alaska, she decided to stay and raise her family.

Morgan worked for one of the finest law firms in Anchorage and quickly became a partner. In 2001, Morgan was appointed to the Anchorage Superior Court by my former boss, Gov. Tony Knowles. The Anchorage Superior Court is an important one in my State, handling criminal cases, family law, and even civil matters. As she always does, Morgan did an excellent job in the court.

Before long, she became the presiding judge at Alaska's Third Judicial District, the busiest court in Alaska. As a presiding judge, she supervised over 40 judicial officers and 13 court locations.

When I was mayor of Anchorage, our city was fighting against youth gangs, who were committing serious offenses and pushing up the crime rates in our community. Anchorage has an unusual judicial system and arrangement with the State. The city police provide basic law enforcement, but the State of Alaska runs the court and the corrections system. I worked closely with Judge Christen across municipal and State lines to crack down on these gangs and make Anchorage streets safer. I found her to be an energetic innovator who is sensitive to the broad cultural diversity of our State. In 2009, she was elevated to the highest court in the State, the Alaska Supreme Court.

In addition to Justice Christen's impressive record of public service on Alaska's State courts, she also finds time to be one of the most prolific volunteers in our State. Her volunteer resume is pages long. If there is a volunteer organization in Alaska, more than likely Morgan has probably worked on it, with it, or served on the board. She is a member of the Rotary Club, the YWCA, the Alaska Community Foundation, the Athena Society. She has been on the board of directors of the United Way of Alaska. She has also been on the board of directors of Big Brothers and Big Sisters of Alaska, and the Rasmussen Foundation. In 2004, Morgan and her husband Jim were jointly recognized as Outstanding Alaska Philanthropists of the Year—truly an impressive honor.

I am proud to support such an outstanding Alaskan to sit on the Ninth Circuit Court of Appeals, and I want to urge all of my Senate colleagues to support her nomination as well.

Justice Christen has bipartisan support. She received the unanimous support of every member of the Senate Judiciary Committee in September. In Alaska, she was elevated once by a Democratic Governor and once by a Republican Governor. The American Bar Association has recognized her legal capability and rated her as ''unanimously well qualified'' to serve as a judge on the Ninth Circuit.

Morgan is one of the greatest legal minds and one of the most caring individuals Alaska has to offer. I am honored to support her for this position and honored to count her as a friend. I strongly urge every Member of this body to confirm her nomination to the Ninth Circuit.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I too rise in support of Morgan Christen, the nominee who is before us today, and I add my thanks to the chairman of the Judiciary Committee and, in fact, the entire Judiciary Committee, for their work in advancing not only Judge Christen as she has moved forward through the process, but it was several weeks ago that we were pleased to move through this body the nomination of Judge Sharon Gleason.

I think it is worthy of note that Alaska in the past month now has moved forward two extraordinary women jurists who will work to serve us in an incredible way. If there is any regret I have, it is that such exceptional women are being taken from our State judiciary system and moved on to other positions, so there is a loss there. We are going to have to work to fill those back benches. But I am very pleased today to speak in support of Morgan Christen, a justice of the Alaskan Supreme Court who has been nominated to serve on the Ninth Circuit U.S. Court of Appeals.

This is a historic nomination. Only two Alaskans have had an opportunity to serve on the Ninth Circuit, and both of those judges were, somewhat predictably, men. The first Alaskan to serve was Robert Boochever, who was appointed by President Clinton. Judge Boochever accepted senior status in 1986, and we were saddened when he passed away on October 9, 2011, at the age of 94. The second on the Ninth Circuit was Andrew J. Kleinfeld, who accepted senior status on June 12 of last year. Justice Christen has been nominated to fill the vacancy created when Justice Kleinfeld took senior status. That vacancy has existed now for 18 months, which should concern all of us, given the heavy workload that faces the Ninth Circuit. That said, it often takes a little bit of time to get the best, and there is no doubt in my mind that when President Obama selected Morgan Christen for the Ninth Circuit, he selected the best.

I have known Justice Christen for almost 25 years now. We graduated from law school at about the same time. We both clerked for the Alaska court system at the same time and we have kept in touch over the years. I have come to know Morgan, her husband Jim, and her family.

Morgan Christen is an experienced, very well-rounded attorney. She is an exceptionally well-rounded jurist with experience on the trial and the appellate bench. She is an individual with a keen intellect and an impeccable reputation for integrity. She is highly regarded across the ideological spectrum in Alaska as a judge who keeps politics and ideology off the bench.

Given the bruising nomination battles that have taken place here in the Senate over the past few years, a few of our colleagues might be inclined to challenge the notion that there is any such thing as a nonideological, nonpolitical judicial nominee. But in response, I would simply note that Morgan Christen was elected to serve on the Alaska Superior Court by Gov. Tony Knowles, a very well-known Democrat. She was then later selected to serve on the Alaska Supreme Court by Sarah Palin, our very well-known Republican Governor. Under Alaska's nonpolitical judicial selection process, she was vetted by the Alaska Judicial Council before her selection to the superior court in 2001, and once again prior to standing for retention election in 2004. Justice Christen was then vetted for yet a third time before her selection to the Alaska Supreme Court in 2009. In each case, she secured high marks from Alaska's very diverse legal community. In fact, she was ranked the top candidate for the supreme court position in a scientifically conducted study of Alaskan attorneys.

I have appreciated that Justice Christen has been mindful of the separation of powers throughout her judicial career, and mindful of the fact that her personal views have no bearing when it is time to determine the rule of law. I know we can expect her to continue in that vein when she moves on to the Federal bench.

Morgan Christen was educated at the University of Washington and Golden Gate University School of Law. She

spent portions of her undergraduate years studying in England, Switzerland, and China. Following law school, she clerked on the Alaska Superior Court and then entered private practice in the Anchorage office of Preston Gates & Ellis. As a private practice attorney, she represented the State of Alaska in the litigation that followed the 1989 Exxon Valdez oil spill.

As a member of the superior court bench, she served as the presiding judge of the Third Judicial District there in Anchorage which, as was noted, is the busiest judicial district in the State of Alaska. She held that position for 4 years. As a supreme court justice, she is deeply engaged in community outreach. In fact, she won the Alaska Supreme Court Community Outreach Award back in 2008. She also holds the Light of Hope Award for work on behalf of Alaska's children. I think her voluntarism has been acknowledged and highlighted. Not only does she meet the demands of a busy bench practice, but also takes the time, with her family, to be very engaged in our community.

I inquired with some of my friends, former colleagues on the Alaska bar, about her reputation in anticipation of my comments today. One Alaskan stated:

> Morgan is extraordinarily talented and is well respected by her peers. She constantly brings justice and fairness to her professional and personal life. Friends and colleagues across the country have savored her wild raspberry jam.

I have yet to have the opportunity to savor her wild raspberry jam. I do a pretty mean raspberry jam myself, so I think we are going to have to trade and see. But it is yet one more aspect about this pretty amazing woman I wanted to share today.

Another colleague stated, very simply, that she is a calm, thoughtful, and strong woman. Good words.

In closing, let me simply say that Morgan Christen is more than just a good judge; she is a good person. Justice will be well served by her confirmation to the Ninth Circuit U.S. Court of Appeals. I urge my colleagues to support this nomination with enthusiasm, as I do.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate is expected to confirm an additional judicial nominee. With this vote, we will have confirmed 62 article III nominees during this Congress. More than half of these have been for vacancies designated as judicial emergencies. That is real progress. Over 72 percent of President Obama's judicial nominees have been confirmed.

Morgan Christen is nominated to be U.S. circuit judge for the Ninth Circuit. Justice Christen received her B.A. from the University of Washington in 1983, and her J.D. from Golden Gate University Law School in 1986. After graduating from law school, she clerked for the Hon. Brian Shortell on the Alaska Superior Court in Anchorage.

In 1987 she was hired at Preston Gates & Ellis LLP, working as an associate until 1992. She was a partner in the firm from 1993 to 2002. At that firm she was a general civil litigator, primarily representing plaintiffs. She began by assisting with large litigation projects. One of her most notable early matters involved serving on the liability team representing the State of Alaska in its claims for compensation arising from the Exxon Valdez oilspill. After the State settled its liability claim in 1991, she defended claims brought by individuals who argued the State's response to the spill was inadequate.

By the time Justice Christen became a partner in 1993, she had developed a practice in Jones Act personal injury claims and was lead counsel in a case in the U.S. Court of Claims representing the parents of an infant who died after receiving a childhood vaccination. She also served as lead counsel on four aviation fatality cases between 1993 and 1999, representing the estate of an FAA employee who was killed in a mid-air collision, the estate of a pilot killed during a catastrophic engine failure and in-flight failure, among others. She has also served as the lead counsel in the Equal Pay Act and represented a fuel barge line in several commercial disputes. Finally, from 1999 to 2001 over half of her practice was devoted to defending two physician practice groups in a Federal Medicaid fraud investigation and related False Claims Act case, and assisting with the defense of a class action antitrust case brought against purchasers of salmon harvested in Alaska.

In 2001 she was appointed to the Alaska Superior Court, where she served from January 9, 2002, until her elevation to the supreme court in 2009. The superior court is the court of general jurisdiction in Alaska. As a superior court judge, her docket was comprised entirely of civil cases. From 2005 to 2009 she served as presiding judge of the Third Judicial District of the Superior Court. In this position she supervised approximately 40 judicial officers in 13 court locations.

Justice Christen was appointed to the Alaska Supreme Court on March 4, 2009, and has been a member of that court from April 6, 2009, to the present. She was nominated for that seat by the Alaska Judicial Council, composed by three members of the bar, three members of the public appointed by Governors, and the chief justice. She was then selected from a slate of two nominees by Governor Sarah Palin.

The American Bar Association Standing Committee on the Federal Judiciary has rated Justice Christen with a unanimous ''well qualified'' rating.

Mr. LEAHY. Mr. President, how much time is remaining on the judgeship?

The PRESIDING OFFICER. On the Republican side, there is 7 minutes 16 seconds; on the Democratic side, 3 minutes 52 seconds.

Mr. LEAHY. Mr. President, I want to reiterate what I said before about Senator MURKOWSKI and Senator BEGICH for their support of this woman for the Ninth Circuit. I appreciate the work they have done on this nomination. I also appreciate the personal comments the senior Senator from Alaska made, going back to her law school days. I think sometimes we forget that these judicial nominees are real people and they have a real life and are a real part of the community. So I appreciate that.

I yield back the remainder of the time on our side.

Ms. MIKULSKI. Mr. President, I yield back all the time on the Republican side.

The ACTING PRESIDENT pro tempore. All time is yielded back.

LEGISLATIVE SESSION

THE PRESIDING OFFICER (Mr. BROWN of Ohio). Under the previous order, the Senate will resume legislative session.

The Senator from Arizona, Senator MCCAIN, is recognized for 30 minutes.

THE MILITARY-INDUSTRIAL-CONGRESSIONAL COMPLEX

Mr. MCCAIN. Mr. President, shortly we will begin debate on the conference report of the Defense authorization bill, the 50th year the Congress of the United States has authorized the equipment, the programs, and all that is necessary to defend this Nation's security.

I want to talk today about a very important aspect of our national security, and that is the problem we are having with out-of-control spending which has, in its own way, endangered our national security as almost any threat that we face. It is unsustainable, it is unacceptable, and it is a stain on our Nation's honor.

Fifty years ago, on January 17, 1961, Dwight David Eisenhower bid farewell to the Nation as the President of the United States. At the heart of his farewell address was a warning, one keenly insightful in its sense how, in a way new to the American experience, an immense military establishment and large arms industry had developed in the 20th century post-war period. While acknowledging the need for a strong national defense, President Eisenhower called for the American people to understand the grave implications of this new aggregation of political and industrial power. In particular he warned:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

The 50th anniversary of President Eisenhower's address gives us an opportunity to carefully consider have we considered President Eisenhower's admonition. Regrettably and categorically the answer is no. In fact, the

military-industrial complex has become much worse than President Eisenhower originally envisioned. It has evolved to capture Congress. So the phenomenon should now rightly be called the military-industrial-congressional complex.

On July 16, 2009, in a speech to the Economic Club of Chicago, then-Secretary Gates described the military-industrial-congressional complex in this way:

> First, there is the Congress, which is understandably concerned . . . about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs. And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals. . . .

One aspect of the military-industrial-congressional complex I have focused on considerably over the last few years is its role in congressional earmarks, congressional pet projects, unwanted by the administration but amounting to billions of dollars annually that frequently take on a life of their own in a way that continues to waste taxpayer resources for years and sometimes decades. In the military-industrial-congressional complex, earmarks are the currency of corruption.

Another manifestation of the military-industrial-congressional complex I have called attention to is the revolving door that exists between the Pentagon and the defense industry. In 1969, then-Senator William Proxmire said this about the revolving door in the context of defense procurement:

> The easy movement of high-ranking military officers into jobs with major defense contractors and the reverse movement of top executives in major defense contractors into high Pentagon jobs is solid evidence of the military-industrial complex in operation. It is a real threat to the public interest because it increases the chances of abuse. . . . How hard a bargain will officers involved in procurement planning or specifications drive when they are one or two years from retirement and have the example to look at over 2,000 fellow officers doing well on the outside after retirement?

Probably the most recently publicized example of the revolving door between the Department of Defense and private industry and the prevalence of the military-industrial-congressional complex in the Department's planning and procurement processes is its mentorship program. In its most recent story in a series exposing this program, USA Today reported that the Air Force allowed a retired general officer who was then serving as an executive in the Boeing Company to participate as a mentor in a war game involving the aerial refueling tanker that Boeing was at the same time competing to build for the Air Force under a multibillion dollar procurement program. Over the last 2 years, I have exercised keen oversight of the mentorship program, which I understand has been essentially shut down under the weight of newly promulgated public disclosure requirements. In other words, former general and flag officers serving as Department mentors prefer to exit the program rather than publicly disclose their corporate affiliations and compensation.

I ask unanimous consent my most recent investigative letter on the issue be printed in the RECORD.

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

(See exhibit 1.)

Mr. MCCAIN. The aspect of the military-industrial-congressional complex I would like to focus on relates to how the Pentagon buys its very largest weapons systems. That covers the top 100 or so of the Defense Department's weapons procurement programs into which taxpayers have invested to date about $1.7 trillion. In particular, I would like to focus on how the military-industrial-congressional complex has kept even some of the most poorly performing programs funded, siphoning off precious resources even while they go over budget, face years of schedule delays, and fail to deliver promised capability to the war fighter.

To be clear, the military-industrial-congressional complex does not cause programs to fail, but it does help create poorly conceived programs, programs that are so fundamentally unsound that they are doomed to be poorly executed. It does help keep them alive long after they should have been ended or restructured.

By ''poorly conceived,'' I mean major programs that are allowed to begin, despite having insufficiently defined requirements, unrealistic cost or schedule estimates, immature technology or too much manufacturing and integration risk or unrealistic performance expectations.

By ''poorly executed,'' I am referring to programs that poorly perform because of, among other things, unanticipated design, engineering, manufacturing or technology problems. These sorts of programs should never have been started to begin with or should have been significantly restructured or terminated at the end of the day. Yet through the influence of the military-industrial-congressional complex, they are allowed to enter the defense procurement process and to persist, often under the guise of a concurrent development acquisition strategy and executed under cost-plus contracts.

Specifically, the military-industrial-congressional complex helps ensure that poorly conceived programs get on rails and stay there with production money when they are supposed to be still in development. For industry and many of their sponsors in the Pentagon and on the Hill, that is desirable because it is far more difficult to restructure or terminate a production program, even one that is performing poorly, than one that is in development. In the military-industrial-congressional complex, if excessive concurrency is a drug, then the cost-plus contracts used to facilitate it are its delivery vehicles.

Over the last decade or so, what I have described has resulted in a massive windfall for industry. But for the taxpayer and the war fighter, it has been an absolute recipe for disaster.

With the Federal budget deficit having hit $1.3 trillion for the 2011 budget year and facing the fact that the defense budget will likely not grow to any significant extent in the near term, we in Congress must be mindful of how the military-industrial-congressional complex can negatively affect decisions to buy and keep major weapons systems.

How does the military-industrial-congressional complex help create problem programs and keep them going long after they should have been canceled or restructured? A review of some of the problems with the original Air Force tanker lease deal is instructive. From that first attempt by the Air Force to replace its aging airborne tanker aircraft, which started nearly a decade ago, we now know, very early in the planning of a major defense acquisition program, senior officials from industry and the relevant services work with senior Members of Congress to ensure that the economic and therefore political benefits of the programs would be distributed widely among key congressional States or districts. That ensures long-term political buy-in and support.

How much could the military-industrial-congressional complex's negative influence ultimately cost taxpayers? Once again, consider the original tanker lease deal as just one example.

That deal would have had new aerial refueling aircraft developed under a cost-plus contract, which exposes the taxpayer to and protects the contractor from the negative impacts of cost overruns and schedule delays. Once developed, those new tanker aircraft were supposed to be leased—leased, not bought outright—from a sole-source contractor, as provided under a multibillion dollar earmark stuck in a defense appropriations bill, without having been vetted by the administration or reviewed by the relevant congressional oversight committees.

That unusual acquisition strategy was based on a case that the Air Force presented at that time, which the deal's congressional sponsor roundly endorsed, that the legacy fleet of tankers needed to be replaced urgently. Needless to say, that case was proven false. There can be no doubt that the original tanker lease deal was a classic creation of the military-industrial-congressional complex.

When we compare the likely costs of the sole-source tanker lease with the costs of the recently concluded tanker competition, which calls for fixed-price development and a purchase under full and open competition, the difference is dramatic. According to recent analysis by the Department of Defense, the original tanker lease deal would have, over the lifecycle of the aircraft, cost

taxpayers billions of dollars more for a less-capable airplane. Those billions that could have been lost under the original tanker lease deal are effectively the cost associated with the military-industrial-congressional complex when it is allowed to run unchecked and unchallenged, and they are, particularly in the current fiscal environment, utterly unsustainable.

The lesson of the original tanker lease deal is that the powerful combination of interests that comprise the military-industrial-congressional complex can be strong enough to both give birth to procurement programs that should never have been started in the first place and nurture programs that should have been killed or fundamentally restructured early on to the grave detriment of the taxpayer and our service men and women.

While over the last couple years former Secretary Gates ended some of the most poorly performing major programs in the defense enterprise, the situation remains serious. The new national military strategy calls the growing national debt a ''significant security risk,'' and as the Government Accountability Office noted in its March 2011 report, since 2008, the total acquisition costs of the Pentagon's major defense acquisitions programs in its current portfolio has increased by $135 billion, about half of which is attributed to pure cost growth and the other half due to cuts in the intended number of weapons we plan to buy.

It should not come as a surprise that as a result, about half the Pentagon's very largest weapons procurement programs exceed cost-performance goals agreed to by the Pentagon, the Office of Management and Budget, and the Government Accountability Office. In fact, the Government Accountability Office's March report found that about one-third of all major weapons systems since 1997 have had cost overruns of as much as 50 percent over their original projections.

Noting that ''the costs of developing and buying weapons have historically been, on average, 20 to 30 percent higher'' than Pentagon estimates, the Congressional Budget Office recently projected that in addition to health care, higher costs for weapons systems will increase the Pentagon budget by about $40 billion over the next 5 years.

Congress and current leadership at the Department of Defense have tried to attack these problems, but they have not been successful in changing the prevailing culture yet.

For example: After several attempts to change the Pentagon's buying approach—which, as CBO noted rarely, if ever, correctly predicts how much a program will likely cost—the Weapons Systems Acquisition Reform Act of 2009 created the Office of Cost Assessment and Program Evaluation to analyze the cost of new programs and why they fail. It also required the Pentagon to keep closer tabs on technology maturity and emphasized testing new weapons before they entered production.

As a result of that act, some newer major programs are not making the mistake of relying on overly optimistic cost estimates provided by the contractor or staking too much production money too early—before critical technologies, design drawings, and manufacturing processes have stabilized and matured. But even this new law will be judged well only if the Pentagon can demonstrate some success with its largest acquisition programs, even those that went into development before the law's enactment.

The F–35 Lightning II Joint Strike Fighter Program is a good example of one such program. Last week I spoke at length about this program, so today I will keep my remarks about it brief. Currently, the F–35 is the Pentagon's largest weapons procurement program. It was originally intended as a revolutionary, affordable solution to the Navy, Marine Corps, and Air Force's tactical aviation needs for the future. With three different versions of the aircraft for each service and commonality in design among those versions, the Pentagon sold this program as a fifth generation strike fighter that would—more so than any other major defense procurement program—be cost effectively developed, procured, operated, and supported.

According to the Pentagon, the program ''was structured from the beginning to be a model of acquisition reform.'' This has not been the case.

When the program was first launched, the Pentagon planned to buy over 3,000 Joint Strike Fighters, but the development effort was performed so poorly that we can now only afford to buy 2,457. Given recent delays in restructuring rules, that number could go down further. To date, the total cost to buy all of the aircraft as intended has grown by about $150 billion to $385 billion. The cost of each Joint Strike Fighter is now 80 percent over the original baseline estimate, and that is expected to increase. It would be hard to buy a car at 80 percent over the original sticker price without looking for major tradeoffs.

Currently, the Joint Strike Fighter costs an average of about $133 million each, and that is without an engine. We have invested about $56 billion in R&D costs in this project through fiscal year 2010.

Over the nearly 10-year life of the F–35 program, Congress has authorized and appropriated funds for 135 of these aircraft. But as of today, the program has delivered just 20 flying aircraft with most of them being used for testing. Early production aircraft just started to be delivered a few months ago—3 years late.

The main problem with the program has been this: Before the Pentagon went all in on the F–35 program, it never understood the risk associated with developing and integrating the F–35's critical technologies and manufacturing each version of the plane, much less how much money and time would be needed to overcome these risks. So ever since the Pentagon awarded Lockheed Martin a contract to develop the Joint Strike Fighter contract in 2001, and despite having signed several follow-on contracts for blocks of production aircraft, the program has effectively been stuck in development. Experts call what the Pentagon has been trying to do ''concurrent development.'' I call it a mess.

Using a concurrent development strategy to procure high-risk weapon systems that promise generational leaps in capability when, one, their underlying design is unstable; two, the risks associated with developing their critical technologies and integration are not fully known; and, three, their manufacturing processes are immature is a very bad idea. Trying to do this under cost-plus contracts is a recipe for disaster.

In July 2011, the Department revealed that the cost for the first three lots of early production aircraft amounting to 28 aircraft bought under cost-plus contracts exceeded by about $1 billion the original estimate of about $7 billion. The Department also indicated that the taxpayers' share of this overrun amounted to $771 million. The program's prime contractor would absorb approximately $283 million. By the way, that program's prime contractor, Lockheed Martin, declared record profits of $3 billion last year.

Moreover, just a few days ago, the Department indicated the cost of the fourth lot of the early production aircraft bought for the first time in the program's history under a fixed-price-type contract may be as high as 10 percent over that contract's $3.46 billion target cost. This is a $350 million overrun with only about 40 percent of that work completed to date. This suggests the costs of the program have still not been contained despite 2 years of concentrated effort by the Pentagon to bring costs under control.

Just last week the executive officer of the Joint Strike Fighter Program indicated in a media interview that the Joint Strike Fighter Program needs to slow down production and deliveries of the aircraft. He attributed this to the need to open the aircraft and install fixes to numerous structural cracks in ''hot spots'' that the program has discovered in the plane over the last year or so. He estimated the work needed to remedy these cracks could add an additional $3 million to $5 million per aircraft.

From these comments, I understand the overlap between development and production, called ''concurrency,'' that persists in the program is still too great to assure taxpayers they will not have to continue paying for costly redesigns or retrofits due to discoveries late in production.

My frustration—and, more importantly, the taxpayers' frustration—

with the chronic failure of this program to deliver required combat capability on time and on schedule cannot be overstated. This frustration is conveyed well in a provision in the conference report accompanying the Fiscal Year 2012 National Defense Authorization Act that would require that the sixth lot of early production aircraft be procured on a firm fixed-price basis. Apparently, the fixed-price contract used for the fourth lot, which provides the overruns between a ''target cost'' and ''ceiling price'' be shared between the government and prime contractor is failing to incentivize the contractor to control its costs, so tougher measures are warranted. We should all hope they work.

Another example is the Marine Corps' Expeditionary Fighting Vehicle, the EFV. The Marine Corps and General Dynamics originally promised that the EFV was going to be the most advanced and operationally effective amphibious assault vehicle ever produced. It was originally designed to be an over-the-horizon platform to protect the Navy ships from mines and shore-based missiles and maximize our flexibility and the enemy's difficulty in planning a defense.

The EFV was intended to be capable of being launched from a ship up to 25 miles away from shore and speed to a landing zone at 25 knots. Once ashore, the EFV would then be able to travel at speeds equal to those of the Abrams tank. The Marines were originally supposed to buy over 1,000 of these vehicles, which were to be initially operable by 2010, at a total cost of $7.3 billion. Needless to say, things did not turn out that way.

Prototypes of the EFV were tested and were about 1,900 pounds too heavy and blew past original cost estimates for research and development. Testing also revealed significant problems in terms of limited visibility, excessive noise, breakdowns in the loading system of the 30-millimeter gun, and concerns about the hull's vulnerability to IED attacks.

From its start in 1996 to about 2007, the Marine Corps and General Dynamics said, ''Don't worry.'' But at the end of the day, the program's cost rose by 55 percent to over $14 billion, and initial capability was pushed back to 2016. At the start of this year, the cost of each EFV was expected to be as much as $23 million, and the estimated cost to operate and maintain the vehicle went up with the increase in that price.

The Commandant of the Marine Corps estimated that the EFV would consume over 90 percent of the Marine Corps' total ground combat vehicle budget. Against that backdrop, former Secretary Gates and the Commandant called for this program to be terminated. Unfortunately, the taxpayers had invested about $3 billion and the Marine Corps had waited 15 years for an improved amphibious vehicle that simply became too costly to buy.

Another example of a legacy acquisition program in trouble is the V–22 Osprey. Inspired by the failure to rescue hostages from Iran in 1980, the V–22 was originally designed to be a revolution in vertical takeoff aircraft. It was intended to improve, beyond anything currently in the arsenal, the ability of the Marine Corps' and our Special Forces' capability to get in, get out, and resupply from long range at high speeds in hostile landing zones.

What we ended up with has been great expectations and enormous costs. Since it was first deployed, the Marine Corps' version of the V–22 has had a mission-capable rate in the middle to high 60-percent range as compared to the latest version of the Army's heavy-lift helicopters, the CH–47s, which had readiness rates in the high eighties to low nineties. During its recent deployment in Afghanistan, in fact, the V–22's engine saw a service life of just above 200 hours, well short of the 500 to 600 hours that the program's managers originally estimated. That has caused the cost-per-flying hour to more than double to over $10,000 an hour as compared to about $4,600 per hour for the much older CH–46 it was intended to replace or about $2,600 per hour for a new, modern MH–60 Blackhawk helicopter.

When it is not being repaired, the V–22 performs its missions impressively, but the sustainment cost of keeping the V–22 flying is eating up the Marine Corps' budget and causing aircraft maintainers to work much harder than should be required for a brandnew aircraft. While the V–22 program was supposed to cost just over $39 billion, independent estimates are that it will come in at $56 billion, a 43-percent increase.

Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, so ordered.

Mr. McCAIN. The price per aircraft has risen by 186 percent from $42.8 million to $122.5 million. You will notice this hybrid helicopter airplane's unit cost is approaching that of the troubled F–35 priced at about $133 million a copy, as I mentioned earlier. But the budget-strapped Marine Corps may have to afford both of them.

Recently, the Marine Corps conceded that over the last 3 years, the lifetime cost of operating its V–22 aircraft had increased 64 percent to $121.5 billion.

I want to talk about military space procurement for a minute. They are among the most notorious for chronically performing poorly.

The Space-Based Infrared System program is a particularly good example. It has been a problem since its inception in 1996. In fact, 5 years into the program—in 2001—an independent review cited the program as ''too immature to enter the system design and development phase'' and observed that the program was based on faulty and overly optimistic assumptions with respect to, among other things, ''management stability and the level of understanding requirements.''

That was 2001, when it was determined that total program costs could exceed $2 billion—a 70-percent increase in cost. And, here we are today, 10 years later, and the system has still not achieved its objectives. In fact, it was just launched, for the first time, recently, on May 7, 2011.

Originally estimated to cost $2.4 billion, it is now expected to cost nearly $16 billion, roughly 7 times the initial estimate.

The Defense Department reported to Congress recently that the next pair of these satellites built by Lockheed Martin could cost $438 million more than previously estimated and could be delivered a year late. Many of the space programs are facing these same kinds of overruns.

In the area of military space procurement, the Air Force's Advanced Extremely High Frequency satellite is worth mentioning. This system of satellites is supposed to replenish the existing Milstar system with more robust and secure communication capabilities for strategic and tactical warfighters. While the first of six of these was launched in August 2010, glitches with its thruster delayed the satellite from reaching its planned orbit by more than a year and significantly affected when the other two satellites will launch. In connection with how the prime contractor, Lockheed Martin Space Systems, has performed on this program, the Air Force penalized Lockheed Martin by reducing its award fee under the contract by $15 million.

One space acquisition program I have focused on is the Evolved Expendable Launch Vehicle Program. Largely because of lack of competition and the Department's reliance on a sole incumbent provider, by some estimates EELV's costs may increase by more than 50 percent over the next 5 years.

I don't want to overlook the Army. Among all services the Army has had the poorest record of pumping billions of dollars into weapons systems that were never deployed. A recent Army study indicated that since 1995, almost 40 percent of research dollars the Army spent did not result in the procurement of any product. The Army spent at least $32 billion on development, testing, and evaluation of 22 weapons programs that were later canceled—almost a third of its budget for creating new weapons. Every year since 1995, the Army has spent $1 billion on doomed programs. Since 2004, canceled Army programs have consumed between $3.3 billion and $3.8 billion. This represents an average of 35 to 45 percent of the Army's annual budget for development, testing, and engineering when factoring in the cancellation of the hugely expensive Future Combat Systems Program.

This brings us right to the FCS Program. To say that this program was a spectacular, shameful failure would not do it justice. First envisioned in 1999 by then-Army Chief of Staff GEN Eric Shinseki, FCS was intended to be a revolution in capability—the centerpiece in the Army's effort to transform

itself into a lighter, more modular, and more deployable fighting force. Originally and erroneously executed under a type of contract more fitting for smaller programs, the FCS was supposed to develop 18 manned and unmanned ground systems, including sensors, robots, UAVs, and vehicles, all connected by a complicated mobile electronic network. When work began on this program in 2000, the Army estimated that the first combat units would be equipped by 2011 and that all the Army's ground combat formations would be equipped by 2032. The Army initially estimated the entire effort would cost about $160 billion.

By 2006, independent cost estimators at the Pentagon pegged total procurement costs at upwards of $300 billion. And, from there, with the assistance of a fundamentally flawed fee structure that was not focused on objective results, FCS total costs kept growing. To make a long story short, in April 2009, then-Secretary Gates terminated most of the program and the problem.

While the Army has had its problems, the Navy's Littoral Combat Ship is another example of a fundamentally flawed acquisition process. Originally conceived by former Chief of Naval Operations Vern Clark as a revolutionary, new, affordable class of surface combatant—about the size of a light frigate or Coast Guard cutter—the LCS was to be able to conduct shallow-water and near-shore operations.

The first two LCS contracts set the cost of the sea frame at $188 million each. After spiking to over $730 million, the cost is now about $400 million per hull. In December of 2010, the Pentagon's chief tester gave LCS poor performance ratings, saying that ''LCS is not expected to be survivable in terms of maintaining a mission capability in a hostile combat environment.''

I continue to be very troubled by the Navy's decision late last year to set aside then-pending competition and award contracts to each of the bidders on this program.

The F–22 raptor program. The F–22 was supposed to maintain air superiority in the face of the Soviet threat during the Cold War. The F–22 obtained full operational capability 20 years later, well after the Soviet Union dissolved. When it finally emerged from its extended testing and development phase, the F–22 was recognized as a very capable tactical fighter, probably the best in the world for some time to come. But plagued with development and technical issues that caused the costs of buying to go through the roof, not only was the F–22 20 years in the making, but the process has proved so costly that the Pentagon could ultimately afford only 187 of the planes rather than the 750 it originally planned to buy. To make a long story short, the F–22 has not flown in combat since its inception.

The DDG–1000 Zumwalt Class Destroyer was supposed to cost $1.1 billion each. It is now expected to cost $3.5 billion each.

The Airborne Laser effort is to be canceled. The fantastic story of the VH–71 new Presidential Helicopter Replacement Program was canceled only after it became more expensive than a full-size 747.

What can we do?

I know it is time for us to get on with the Defense authorization bill.

We need to have transparency. We need to have accountability. We have to use competition to encourage industry to produce desired outcomes and better incentivize the acquisition workforce to do more with less. We have to do a lot of things. We have clearly failed to abide by the warning President Eisenhower issued in his speech 50 years ago, but I do find some comfort that times of fiscal restraint and austerity can drive desired change, even in the face of daunting systemic obstacles such as the military-industrial-congressional complex. We must do better.

Mr. President, I yield the floor. I thank my friend from Michigan for his indulgence.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 1, 2011.

Hon. LEON PANETTA,
Secretary of Defense,
Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: I was very troubled to read recently in USA Today that the Air Force allowed a retired general officer who was then-serving as an executive in The Boeing Company to participate as a ''mentor'' in a war game involving the aerial refueling tanker that Boeing was at the same time competing to build for the Air Force under a multibillion dollar procurement program. This, in my view, warrants serious inquiry.

According to the article, the retired general officer previously served as the chief of U.S. Transportation Command and Air Force Mobility Command, which would have given him keen insight into the Air Force's plans to replace its aerial refueling tanker fleet. It appears that what this mentor did for the Air Force in this case directly related to one of Boeing's largest potential contracts with the Air Force. This makes the story particularly alarming. No less disturbing is that the Air Force apparently withheld publicly disclosing this information from a Freedom of Information Act (FOIA) request for approximately two years.

This latest revelation plainly validates my concerns that I conveyed last year about the potential for conflicts-of-interests associated with military mentor programs. It is also another example of the revolving door between the Department and private industry and the prevalence of the military-industrial complex in the Department's planning and procurement processes, which has plagued the Air Force's attempts to replace its aerial refueling tanker fleet from day-one.

Although there appears to be general comfort that the contract for the KC–46A was awarded properly and that the contracting strategy for the development of these tankers is viable, whether any misconduct somehow biased the program at its inception towards a particular outcome must be taken very seriously.

With this in mind, please answer the following questions.

1. After the individual cited in the article, retired Lieutenant General Charles Robertson, retired from the Air Force, during what period of time did he serve as an advisor, consultant or mentor, or in any other similar capacity, to the Air Force?

2. Describe, with specificity, General Robertson's duties, responsibilities and activities while serving in the foregoing capacity during this period.

3. Identify, with specificity, what project(s) General Robertson served on in the foregoing capacity, including but not limited to, as a mentor.

4. Describe, with specificity, what relationship these projects had with any program or process in which Boeing had a direct or indirect interest.

5. Describe, with specificity, the activity cited in the article described above (i.e., a ''war game'') and what relationship, if any, that this activity had with the pending Air Force program to replace its aerial refueling tanker fleet.

6. Describe what was happening with the Air Force's program to replace its aerial refueling tanker fleet while the foregoing activity was conducted.

7. What direct or indirect input or influence did General Robertson have in the outcome of the activity for which he was serving as a mentor (or in any similar capacity) or the overall program or process that this activity was intended to support?

8. How much per year and in total compensation was General Robertson paid for his service as an advisor, consultant or mentor, or in any other similar capacity, to the Air Force?

9. Please provide a copy of his employment contract(s) with the Air Force for his service in the foregoing capacity.

10. Explain why it reportedly took two years to provide the information described above where this information was responsive to a properly presented FOIA request.

11. What is the current status or the Department of Defense's mentor program?

12. If the program is still extant at all, what controls are in place today that will ensure against conflicts-of-interests and the appearance of impropriety by its participants?

Thank you for your cooperation and your attention to this serious matter.

Sincerely,

JOHN MCCAIN,
Ranking Member.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1540, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of December 12, 2011.)

The PRESIDING OFFICER. There will be up to 3 hours of debate equally divided between the leaders or their designees.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

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

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring to the Senate the conference report on H.R. 1540, the National Defense Authorization Act for fiscal year 2012. This conference report, which was signed by all 26 Senate conferees, contains many provisions that are of critical importance to our troops. This will be the 50th consecutive year in which a National Defense Authorization Act has been enacted into law.

I thank all of the members and staff of the Senate Armed Services Committee—and especially our subcommittee chairs and our ranking members—for the hard work they have done to get us to this stage. Every year we take on tough issues and we work through them on a bipartisan basis, consistent with the traditions of our committee. This year was a particularly difficult one because of the severely condensed timeline for floor consideration and conference on the bill.

I particularly thank my friend Senator MCCAIN, our ranking minority member, for his strong support throughout the process. I know both of us thank the chairman and ranking member of the House Armed Services Committee, BUCK MCKEON and ADAM SMITH, for their commitment to this bill and to the men and women of our Armed Forces.

The conference report we bring to the floor today authorizes $662 billion for national defense programs. While it authorizes $27 billion less than the President's budget request and $43 billion less than the amount appropriated for fiscal year 2011, I am confident this conference report, nonetheless, provides adequate support for the men and women of the Armed Forces and their families and provides them with the means they need to accomplish their missions.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform. It will provide needed support and assistance to our troops on the battlefield. It will make the investments we need to meet the challenges of the 21st century, and it will provide for needed reforms in the management of the Department of Defense.

I ask unanimous consent that a list of some of the more significant provisions be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Probably the most discussed provision in the conference report is the provision relative to military detention for foreign al-Qaida terrorists. This provision was written to be doubly sure there is no interference with civilian interrogations and other law enforcement activities and to ensure that the President has the flexibility he needs to use the most appropriate tools in each case. The bill as passed in the Senate addressed this issue by including language that: No. 1, left it to the President to adopt procedures to determine who is a foreign al-Qaida terrorist and therefore subject to presumed military detention; No. 2, required that those procedures not interfere with ongoing intelligence, surveillance, or interrogations by civilian law enforcement; No. 3, left it to the executive branch to determine whether a military detainee who will be tried is tried by a civilian court or a military court; and No. 4, gave the executive branch broad waiver authority.

The conference report retains that language and adds additional assurances that there will be no interference with civilian interrogations or other law enforcement activities. In particular, the conferees added language that says the following:

> Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with respect to a covered person, regardless of whether such covered person is held in military custody.

It also modifies the waiver language to give the President, rather than the Secretary of Defense, the authority to waive the requirements of the provision.

Under the provision in the conference report, law enforcement agencies are not restrained in apprehending suspects or conducting any investigations or interrogations. If a suspect is apprehended and is in law enforcement custody, the suspect can be investigated and interrogated in accordance with existing procedures. If and when a determination is made that a suspect is a foreign al-Qaida terrorist, that person would be slated for transfer to military custody under rules written by the executive branch. Again, however, any ongoing interrogations are not to be interrupted, and the President also has a waiver authority. If the suspect is transferred to military custody, all existing law enforcement and national security tools remain available to the FBI and other law enforcement agencies, and even if the suspect is held in military custody, it would be up to the Attorney General, after consulting with the Secretary of Defense and the Director of National Intelligence, to determine whether the suspect will be tried in Federal court or before a military commission. The bill provides the Attorney General with broad discretion to ensure that whatever consultation is conducted does not impede operational judgments that may need to be made to pursue investigative leads, effect arrests or file charges.

The language in the Senate bill and in the conference report is intended to preserve the operational flexibility of law enforcement and national security professionals in the executive branch. Nothing in the language limits the President as to when he can waive the provision or for whom he can waive it.

For example, he is not required to wait for a coverage determination to be made before deciding to waive the requirements of the provision. Similarly, he is not precluded from waiving the provision with regard to more than one individual at a time—for example, with regard to a group of conspirators or potential codefendants.

In short, the waiver language in the conference report is broad enough to reflect circumstances in which it is in the national security interests of the United States for a President to waive the requirements of the provision with respect to a category of covered persons, if he so determines, in order to preserve the flexibility of counterterrorism professionals and operators to take expeditious action.

With the exception of those assurances, the detainee provisions in the conference report are largely unchanged from the provisions in the bill that was approved by the Senate on a 93-to-7 vote just 2 weeks ago. Those who say we have written into law a new authority to detain American citizens until the end of hostilities are wrong. Neither the Senate bill nor the conference report establishes new authority to detain American citizens—or anybody else.

The issue of indefinite detention arises from the capture of an enemy combatant at war. According to the law of war, an enemy combatant may be held until the end of hostilities. Can an American citizen be held as an enemy combatant? According to the law of war, an enemy combatant may be held until the end of hostilities. But, again, can an American citizen be held as an enemy combatant? I believe that if an American citizen joins a foreign army or a hostile force such as al-Qaida that has declared war and organized a war against us and attacks us, that person can be captured and detained as an enemy combatant under the law of war.

In 2004, the Supreme Court held in the Hamdi case that ''there is no bar to this Nation's holding one of its own citizens as an enemy combatant.''

The Court cited with approval its holding in the Quirin case, in which an earlier court held that ''citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance and direction enter this country bent on hostile acts, are enemy belligerents within the meaning of . . . the law of war.''

But despite that view of mine, which I clearly expressed on the Senate floor a couple weeks ago, neither the Senate bill nor the conference report takes a position on this issue. Both the Senate bill and the conference report include

the language of the Feinstein amendment, which we drafted together and passed 99 to 1. That amendment leaves this issue to the executive branch and the courts by providing the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

The more difficult issue for me—and I believe it goes to the heart of the concern of the detention policy—is the kind of war we are in with al-Qaida, and that issue is when does the detention end? In other words, when are the hostilities over? In this kind of nontraditional war, we are not likely to sign a peace treaty or receive a formal surrender or even reach an agreement on a cease-fire.

Under these circumstances, it is appropriate for us to provide greater procedural rights to enemy detainees than we might in a more traditional war. We have done so in this conference report. The conference report, for instance, requires periodic reviews of detainee cases in accordance with an executive order issued earlier this year to determine whether detainees pose a continuing threat or safely can be released. Under the conference report, enemy combatants who will be held in long-term military detention are told, for the first time, they will get a military judge and a military lawyer for their status determination.

The conference report includes many other important provisions.

It includes new sanctions against the financial sector of Iran, including the Central Bank of Iran. These sanctions would, among other actions, require foreign financial institutions to choose between maintaining ties with the U.S. financial system or doing business with the Central Bank of Iran.

It includes provisions addressing the problem of counterfeit parts that can undermine the performance of military weapons systems and endanger our men and women in uniform. This is one of the most important additional provisions we have in our bill; that is, the provisions relative to these counterfeit parts that are flooding our defense system with electronic parts that are counterfeited and come mainly from China. We were able to identify approximately 1,800 cases of suspect counterfeit electronic parts, covering more than 1 million individual parts, with most of them, again, coming from China. This conference report includes comprehensive reforms to keep counterfeit electronic parts out of the defense supply chain and provides proper accountability when suspect parts make it through that chain.

In particular, the conference report relative to this subject does the following:

It clarifies acquisition rules to ensure that the cost of replacement and rework that is required by the use of suspect counterfeit parts is paid by the contractor, not by the taxpayer.

It requires the Department of Defense and Department of Defense suppliers to purchase electronic parts from manufacturers and their authorized dealers or from trusted, certified suppliers.

It requires Department of Defense officials and Department of Defense contractors that become aware of counterfeit parts in the supply chain to provide written notification to the government.

It requires the Department of Defense and its largest contractors to establish systems and procedures to detect and avoid counterfeit parts.

It requires the Secretary of Homeland Security to consult with the Secretary of Defense on the sources of counterfeit electronic parts in the military supply chain and establish a risk-based program of enhanced inspection of imported electronic parts.

It authorizes Customs to share information from electronic parts inspected at the border with manufacturers to help determine whether the parts are counterfeit.

It strengthens criminal penalties for counterfeiting military goods or services.

We are very grateful for the support of Members of this body for that provision.

Relative to the strengthening of criminal penalties, I wish to add our thanks to Senator WHITEHOUSE for his work on this subject, for his provisions relative to additional criminal penalties for counterfeiting military goods that are a part of this bill, and they are a very important part.

The conference report requires sound planning—this is another provision of this bill—and justification before we spend more money on troop realignment from Okinawa to Guam and on tour normalization in Korea. Those provisions follow detailed oversight that Senators WEBB, MCCAIN, and I have conducted.

On some other provisions: The conference report requires that the next lot of F–35 aircraft—lot 6—and all subsequent aircraft, be purchased under fixed-price contracts, with the contractor assuming full responsibility for any costs above the target cost specified in the contract.

Our conference report fences 75 percent of the money available for the Medium Extended Air Defense System—MEADS—until the Secretary of Defense submits a detailed plan to use those funds to close out the program or pay contract termination costs.

The conference report includes Senator LANDRIEU's bill to extend the Small Business Innovative Research—SBIR—Program for an additional 6 years. It has been about 6 years since we reauthorized this vitally important program, which provides a huge benefit to our small businesses so they can effectively participate in research programs that are funded by the Federal Government. In the defense arena, SBIR has successfully invested in innovative research and technologies that have contributed significantly to the expansion of the defense industrial base and the development of new military capabilities.

As to Pakistan, the conference report limits to 40 percent the amount of the Pakistan Counterinsurgency Capability Fund that can be obligated until the Secretary of Defense provides Congress with a strategy on the use of the fund and on enhancing Pakistan's efforts to counter the threat of improvised explosive devices, those IEDs which kill so many of our troops and so many civilians.

Finally, the Department of Defense has informed us it does not need an exemption from section 526 of the Energy Independence and Security Act of 2007 because that section does not apply to purchases at market prices from generally available fuel supplies and does not preclude the Department from purchasing any fuel it needs or expects to purchase in the foreseeable future.

We are in the final stages of withdrawing our combat troops from Iraq, but we continue to have almost 100,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan. While there are issues on which we may disagree, we all know we must provide our troops the support they need as long as they remain in harm's way. The enactment of this conference report will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind our troops and we deeply appreciate their service.

In conclusion, I would, once again, thank Senator MCCAIN, all our Members, and our majority and minority staff, led by Rick DeBobes and Dave Morriss, for their hard work on this bill. We could not have done this without them.

I ask unanimous consent that a full list of our majority and minority staff, who gave so much of themselves and their families, be printed in the RECORD.

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

SENATE ARMED SERVICES COMMITTEE STAFF

Richard D. DeBobes, Staff Director; David M. Morriss, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borowski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Jonathan S. Epstein, Counsel; Gabriella E. Fahrer, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member; Ozge Guzelsu, Counsel; John Heath, Jr., Minority Investigative Counsel.

Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jessica L. Kingston, Research Assistant;

Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel; Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Hannah I. Lloyd, Staff Assistant; Mariah K. McNamara, Staff Assistant; Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member.

Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John H. Quirk V, Professional Staff Member; Robie I. Samanta Roy, Professional Staff Member; Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Michael J. Sistak, Research Assistant; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Richard F. Walsh, Minority Counsel; Bradley S. Watson, Staff Assistant; Breon N. Wells, Staff Assistant.

Mr. LEVIN. I yield the floor.

EXHIBIT 1

SELECTED HIGHLIGHTS OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

—Authorizes a 1.6 percent across-the-board pay raise for all uniformed military personnel and extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel;

—Extends authorities needed to fairly compensate civilian employees and highly qualified experts who are assigned to work overseas in support of contingency operations;

—Clarifies provisions of the Uniform Code of Military Justice relating to the offenses of rape, sexual assault, and other sexual misconduct to address constitutional deficiencies in the existing law;

—Extends the authority of U.S. Special Operations Forces to provide support to regular forces, irregular forces, and individuals aiding U.S. special operations to combat terrorism;

—Freezes the Department's spending on contract services at fiscal year 2010 levels, to ensure that cost reductions and savings are spread across all components of the DOD workforce;

—Authorizes the Department to void a contract in Afghanistan, if the contractor or its employees are determined to be actively working with the enemy to oppose U.S. forces in that country;

—Implements cost-saving programs to address rapidly escalating costs for the operation and support of weapon systems, including costs incurred as a result of corrosion; and

—Enhances the role of the National Guard by including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I fully support the conference report and the national defense authorization bill for fiscal year 2012. This is the 50th year the Congress will pass this, and I am now confident this bill will be signed into law by the President of the United States.

It is an important piece of legislation. I appreciate the participation of all Members, as we went through this bill in a relatively short period of time. There certainly was a lot of participation by almost every Member.

I am most appreciative, of course, of Senator LEVIN, whom I have had the honor of serving with for many years. Quite often we have spirited discussions on various issues, but my admiration and appreciation for his leadership is very large. He is a man of incredible patience—a quality some accuse me of lacking, I think correctly.

Senator LEVIN and his staff and our staff work very closely together throughout the year as we bring forth this Defense authorization bill. Obviously this bill provides for defense policy guidance and funding that is vital to our national security, provides the clearest indication to our men and women in uniform that the Congress cares about them and their families.

In testament to the importance of this legislation, as I mentioned, we have passed a defense authorization bill every year since 1961.

Let me remind my colleagues of the hard work that went into this bill. The bill is a product of 11 months of legislative effort in the Senate, 71 hearings and meetings on the full range of national security priorities. We reported our bill out of the committee with a 26-to-0 vote. We debated nearly 40 hours, disposed of 139 amendments, and the bill was overwhelmingly passed 93 to 7. After Senate passage on December 1, our staffs have worked around the clock for 9 days to put this together.

As Senator LEVIN mentioned, it authorizes $662.4 billion for national defense, which is $26.6 billion less than the President's request. It authorizes $530 billion for the base budget for the Department of Defense, and it goes on. We authorize a 6-percent increase in funding over last year's request for our special operations forces, who play a lead role in counterterrorism operations. We authorize over $2.4 billion to counter improvised explosive device activities. The IEDs still plague the men and women who are serving in Afghanistan.

Let me also mention some noteworthy provisions in this legislation.

The conference report includes strong, unambiguous language that recognizes that the war on terror extends to us at home and that we must address it as such. The language the Senate adopted regarding detainees recognizes both that we must treat enemy combatants who seek to do us harm as such and that we must be able to gain as much information from such individuals as possible regarding their plans to wage war against our citizens—I want to emphasize—without violating the rules of war, without violating the Geneva Conventions, without engaging in torture or waterboarding or any of the kinds of techniques that have stained America's honor in the 21st century.

I strongly believe the detainee provisions in the bill are constitutional and in no way infringe upon the rights of law-abiding Americans. Unfortunately, rarely in my time have I seen legislation so consistently misunderstood and misrepresented as these detainee provisions. The hyperbole used by both the left and the right regarding this language is false and misleading.

Let me be clear. The language in this bill will not affect any Americans engaging in the pursuits of their constitutional rights. The language does recognize that those people who seek to wage war against the United States will be stopped, and we will use all ethical, moral, and legal methods to do so.

I am very pleased that the administration has finally recognized that the language we have adopted merits the President's signature and will soon be signed into law. While we have made some technical changes to the detainee provisions, they remain substantially the same as passed by the Senate Armed Services Committee.

The Congress, in strong bipartisan majorities, especially in the Committee on Armed Services, is deeply concerned by the administration's flawed handling of detainees in the fight against terrorism.

It was Congress that took up this vital national security issue and drafted all the versions of these provisions and led the negotiations on all of the major compromises. Yes, we listened to the administration's concerns, as we should, and we took many of them into account. Unfortunately, the administration has fought these provisions every step of the way. They tried to have these provisions stripped from the Senate bill as a condition for bringing it to the floor for debate. When that did not work, they tried to have these provisions dropped from the bill through amendments on the floor. When that did not work, they urged the conferees to drop these provisions in conference or at least water them down into nothingness. Again and again, the administration failed. So for them now to try to claim credit for these provisions flies in the face of the historical record. Facts are stubborn, and when it comes to these detainee provisions, the fact is this: Congress has led and defined the debate, and the administration has finally conceded to that reality.

Let's establish once again what these detainee provisions do and do not do.

They would, among other things, reaffirm the military's existing authority to detain individuals captured in the course of hostilities conducted pursuant to the authorization of the use of military force.

The ''authority to detain provision'' in the conference report confirms that nothing in this section of the bill should be ''construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.'' There could be nothing clearer than that statement.

This confirmation of the intent of the bill was inserted as a result of floor debate and negotiations with the Senator from California, Mrs. FEINSTEIN, to make absolutely clear what Chairman LEVIN and I and members of the committee who have supported this legislation have said throughout—that this provision does not and is not intended to change the existing state of the law with regard to detention of U.S. citizens. This section simply restates the authority to detain what has already been upheld by the Federal courts. We are not expanding or limiting the authority to detain as established by the 2001 authorization for the use of military force.

The conference report also includes a provision requiring military detention for foreign al-Qaida terrorists who attack the United States—something this administration has been not only hesitant but completely unwilling to even consider until this legislation highlighted the inconsistency between claiming the authority to kill an al-Qaida member with drones overseas but not being willing to hold a captured al-Qaida member in military custody in the United States, even in a situation where the al-Qaida terrorist had penetrated our defenses and had carried out or attempted an attack inside the United States.

The authority to hold al-Qaida members in military custody, while completely consistent with the law of war that applies to enemy combatants, is not a straitjacket but is as flexible as the President desires to make it.

While we in Congress have given the President a statutory authority to use military custody for al-Qaida members as a tool to ensure that we are able to obtain timely, actionable intelligence, the President can exercise a broad national security waiver to this requirement—a broad national security waiver. Most important, this provision requiring military detention explicitly excludes U.S. citizens and lawful resident aliens.

The military custody provision in the final compromise authorizes the transfer of any detainee to civilian custody for trial in civilian court and leaves it up to the President to establish procedures for determining how and when persons determined to be subject to military custody would be transferred. The provision adopted in the conference report requires that such determination must not interfere with ongoing intelligence, surveillance, or interrogation operations.

All of this flexibility was added to the bill even before we began negotiations with the White House to make it clear that the intent of the Senate's provisions was not to tie the administration's hands but to give them additional means to defeat the most serious type of threat from al-Qaida to our country. The result of these Senate modifications to the original form of the provisions ensures that the executive branch has complete flexibility in how it first determines and then how it applies military custody for al-Qaida members who are captured after having attacked the United States or while planning or attempting such an attack.

Moreover, after meeting with FBI Director Robert Mueller, the Senate conferees added language in conference in response to his concerns about the impact on FBI operations confirming that nothing in this provision may be ''construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation, or any other domestic law enforcement agency, with regard to a covered person, regardless whether such covered person is held in military custody.''

It is the intent of the Senate conferees, in agreement with House colleagues on a bipartisan basis, that the FBI continue to execute the full range of its investigative and counterterrorism responsibilities and that any shift to military custody will be an administrative measure that does not limit in any way the FBI's authority.

I acknowledge that these issues were very controversial with some Members. These provisions were debated extensively—as thoroughly as any matter I have seen in recent memory—but I believe we have addressed in a positive way and have been responsive to concerns raised by the administration. Indeed, the Senate made changes both on the floor and during conference to ensure that the intent of the provisions was fully understood by the administration and others even before negotiations over the final form of the text began.

In many ways, as Chairman LEVIN has pointed out in many of his public statements and speeches on these detainee provisions, rarely has such misinformation, speculation, and outright misrepresentation been greater over what a bill actually does compared to what some from the left and right claim it does than has been the case with these detainee provisions. Whether 2012 campaign politics played a role in the characterization of these provisions or whether this was simply a case of not fully understanding the intent of the authors of these provisions I will leave to others to decide.

I point out again that I think my friend from Michigan Senator LEVIN displayed a great deal of courage in formulating what he thought was best for our Nation's security.

Regardless of the motivation that may have colored the debate until now, I believe that, by any responsible reading, these provisions will not impair the flexibility of the President or national security officials in protecting the United States and its citizens. The military custody provision, which has been the focus of much of this debate, provides flexibility to use either a civilian track or a military track for custody and eventual trial and leaves the details of implementation in the hands of the executive branch, as it is appropriate to do so. It preserves the current state of the law as it applies to the rights of U.S. citizens and lawful resident aliens.

In terms of FBI authority to conduct investigations and interrogations, as well as use other instruments of the investigative and criminal process, these provisions preserve all of the FBI's role and authority under existing law.

The conference report also includes, virtually unchanged, the Senate provision requiring a plan to normalize U.S. defense cooperation with Georgia and the sale of defensive weapons. U.S. defense cooperation with the Republic of Georgia has been stalled ever since Russia invaded that country 3 years ago. While there has been slow and minor progress to enable Georgia's armed forces to deploy to Afghanistan—which they have done in greater numbers than most of our NATO allies—precious little has been done to strengthen Georgia's ability to defend its government, people, and territory.

This provision would require the Secretary of Defense, in consultation with the Secretary of State, to develop a plan for the normalization of our defense cooperation with Georgia, especially the reestablishment of U.S. sales of defensive weapons. It puts the Congress on record as demanding a more normal U.S. defense relationship with Georgia, particularly on defensive arms sales.

The conference report includes a strong and important provision to sanction the Central Bank of Iran, to curtail Iran's ability to buy and sell petroleum through its Central Bank, and to prevent foreign financial institutions that deal with the Central Bank of Iran from continuing their access to the U.S. financial system. This provision, which was adopted on the Senate floor by a vote of 100 to 0, and the attempted assassination of the Saudi Ambassador here in Washington, DC, had a very positive and forceful effect on this bill being enacted by the Senate. This provision would force foreign financial institutions to make an important choice: Do they want to deal with the U.S. economy or with Iran's Central Bank?

The Treasury Department urged the conferees to make a series of changes to this provision, some of which would have narrowed its scope and weakened

it. We rejected that course of action. We made some minor technical changes but kept the provision as the authors, Senators MENENDEZ and KIRK, intended. The conferees did, however, provide the Treasury Department the ability to more effectively implement this legislation by imposing strict conditions on foreign financial institutions that maintain ties to the Central Bank of Iran.

The conference report directs the Secretary of Defense to pause further spending on Guam in support of the relocation of 8,500 U.S. marines from Okinawa until Congress and the administration have had an opportunity to review and assess the impact of an estimated $20 billion spending initiative on Guam in the context of the full range of our national interests in the Pacific region. This pause will allow Congress to ensure that the taxpayer funds invested in overseas military force posture and basing will afford us the best opportunity to continue our strong alliances in the region, while pursuing new arrangements with emerging partners that support security and economic development.

The final agreed-upon provision includes a requirement for an independent study to offer views and suggestions from a range of regional experts on current and emerging U.S. national security interests in the Pacific and options for the realignment of U.S. military forces in the region. The conference report would restrict the use of $33 million in operation and maintenance funds for items on Guam that do not directly support military requirements, such as civilian schoolbuses, the construction of museums, and mental health facilities.

This provision should not be interpreted as a lack of U.S. commitment to realignment. The President has stated that we are shifting a lot of our attention to the Pacific region, and we understand the importance of the Pacific region in the 21st century.

Finally, the conference report includes a provision to require that the contract for the sixth slot of ''low-rate initial production'' for the Joint Strike Fighter be executed on a firm fixed-price basis. The Pentagon has thus far failed to incentivize the prime contractor to control costs. So a tougher measure, as embodied in the report, is warranted.

While I would have preferred the original Senate position that would have made the fixed-price requirement apply to the fifth lot currently being negotiated, I strongly support this provision. The chairman and I are committed to a close monitoring of this weapons system. We understand its importance. We also understand that the kinds of cost overruns that have characterized this system cannot be continued.

I am gratified that there are no earmarks in this bill. Unfortunately, it still contains over $1.4 billion in spending that was never requested by the President or by our military and civilian leaders in the Pentagon. Examples of funding authorized by this conference report include $255 million for additional M–1 tank upgrades the Army didn't want in order to keep the M–1 production line hot despite no compelling need to upgrade more tanks at this time; $325 million for Army National Guard and Reserve equipment not requested by the Army; $8.5 million for an Air Force R&D program called the Metals Affordability Initiative that the Air Force didn't consider a high enough priority to fund; $30 million for an industrial base innovation fund that the Pentagon didn't ask for; $200 million for the Rapid Innovation Program—created by Congress in last year's Defense authorization bill—that the Pentagon never asked for and which has about $439 million in funds left over from last year it hasn't figured out how to spend.

The bottom line is this: Congress will pump over $1.4 billion into things the Pentagon never requested and didn't think were a priority. The American taxpayers are not fooled by this exercise, and they have long ago lost patience with it. For all the many good things this conference report did, we still fell short of providing only the most essential needs and priorities of the Department of Defense as identified by our civilian and military leaders. A total of $1.4 billion is real money and could make an enormous difference to many Americans if properly applied to real priorities.

Those criticisms aside, as we look forward to the holidays ahead, I want all Senators to think about whom this report is really for—the men and women of our Armed Forces, who have served our Nation so bravely and so selflessly during the past 10 years of war. We owe it to them to pass this bill to demonstrate our support for them and the burden they carry for all of us and to show in a concrete way that the American people and the Congress stand with them and appreciate what they do for us. Passing this bill is really the very least we can do for so many who are willing to give all they have to defend us and our great country.

Finally, I thank Chairman LEVIN and Chairman MCKEON and Ranking Member SMITH for their dedication and cooperation in getting through the conference in a rapid but comprehensive and collegial manner. It is an honor to work with Senator LEVIN on such an important cause for the American people and for our men and women serving around the world in the Department of Defense, who risk their lives for us every day. They deserve positive action and your vote on this conference report.

I urge my colleagues to vote for the conference report of the fiscal year 2012 national defense authorization bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I spoke at some length before, but I want to repeat one sentiment in the statement that has to do with Senator MCCAIN and his staff. The way in which he and our staff work together is in the finest tradition of this body. Our committee has had that reputation. It is a well-earned, well-deserved reputation that we are able to work on a bipartisan basis.

Senator MCCAIN continues in a great tradition on the Republican side, and I would hope I strive at least to do the same on our side. We have had some great leaders of our committee over the decades, and Senator MCCAIN is one of those leaders in that tradition, and I want to say what a great pleasure it is to work with him.

I know our staffs work beautifully together, and we are grateful for that. The Senator was right in pointing out who we are doing this for—it is the men and women in uniform—but we couldn't do that without our great staffs, and I know he joins me, and has already in his statement, in a tribute to our staffs.

Mr. MCCAIN. Madam President, I say to my friend from Michigan, I guess in our many years together we have seen the ups and downs and back and forth, but during our more than a quarter of a century of service we have always seen the bill coming to fruition and we have carried on in that tradition.

I wish also to point out to my colleagues, in a rather drab and dreary landscape of gridlock and acrimony, it is kind of nice to show that every once in a while there is a little ray of sunshine. So I hope we have been able to provide it for our colleagues, and I look forward to a unanimous, if not near unanimous, vote on the part of this body.

I hope if there are other colleagues who wish to come and speak on the bill—I know we have planned a colloquy on a provision of the bill concerning depots—so, hopefully, our colleagues who are very concerned about that issue might want to arrange to come to the floor so we can dispose of that.

I don't know of any other except, I think, Senator UDALL, who wishes to come.

Mr. LEVIN. I think one on our side.

While we are talking about rays of lightness, we thank Senator HAGAN, our Presiding Officer, who is a member of our committee. She provides a ray of light—one of the many rays of light on our committee. I see her presiding and smiling over this effort, and I wanted to acknowledge that she is an important part of it and to recognize her contribution as well.

Mr. MCCAIN. I happen to know for a fact that Senator HAGAN is a strong defender of the men and women who serve her State, which has a very large military presence. I know they are very appreciative of her advocacy and service.

Before we get too hokey around here, maybe we should suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECTION 1022

Mr. LEVIN. Mr. President, section 1022(d) of the conference report states that ''nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.'' Would the Senator agree with me that this language is intended to ensure that the provision does not interfere with ongoing civilian interrogations and other law enforcement activities and that the President has the flexibility he needs to decide on the most appropriate law enforcement and intelligence tools for each individual case?

Mr. MCCAIN. Yes. That was the intention of the provision we wrote in committee, and it has been clarified by the addition of subsection (d). The statement of managers specifically states that the law enforcement and national security tools that are not affected by the provision include, but are not limited to, grand jury subpoenas, national security letters, and actions pursuant to the Foreign Intelligence Surveillance Act.

Mr. LEVIN. Section 1022 applies only to a person who is ''a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda.'' The statement of managers states that this language intentionally excluded the Taliban. Would the Senator agree with me that the requirements of section 1022—including the transfer restrictions applicable under that provision—do not apply to individuals detained by our forces in Afghanistan?

Mr. MCCAIN. Yes. Our forces in Afghanistan can continue to transfer detainees to the host nation in accordance with existing agreements. This provision does not apply to battlefield transfers in—Afghanistan.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, for the benefit of my colleagues, there is a bit of interesting news today. When the demonstrations began in Moscow, I tweeted—I am a big believer in tweets—and said, ''Dear Vlad, the Arab Spring is coming to a neighborhood near you.''

Apparently, Mr. Putin was not amused, because an Associated Press headline read: ''Putin rejects any redo of fraud-tainted vote.'' The article also mentioned he was apparently on a program where he answered some questions. To quote the article:

> The harsh comments and his insistence that the December 4 election was valid will likely fuel anger and may draw even bigger crowds of protest later this month.
>
> Putin also lashed out at U.S. Senator John McCain, who had goaded him with a Twitter post saying ''the Arab Spring is coming to a neighborhood near you.''

Quoting Putin now, the article continues:

> ''He has the blood of peaceful civilians on his hands, and he can't live without the kind of disgusting, repulsive scenes like the killing of Gadhafi,'' Putin said, referring to McCain's role as a combat pilot and prisoner of war in Vietnam.

He went on to say:

> ''Mr. McCain was captured and they kept him not just in prison, but in a pit for several years,'' he said. ''Anyone (in his place) would go nuts.''

I know my friend from Michigan may think there is some veracity to the last sentence from Putin's comments, but I would mention that, in the context of the National Defense bill, in my view, the reset with Russia has not gone as we had hoped and it is an argument for some missile defense provisions in this bill in particular.

I think the reason why Mr. Putin reacted in the way he did is that I believe he has been shaken, as he should have been, by the massive demonstrations that have taken place in Moscow and other cities in Russia. It will be very interesting on December 24 to see how large or whether there will be demonstrations concerning a government that in many ways has turned into a cryptocracy, and the abuse of human rights, including the case of Mr. Magnitsky, who died in prison; and Mr. Khodorkovsky, who was again sentenced to more time in prison, and what Mr. Khodorkovsky and others have described as a death sentence.

These are very interesting times in which we live, and the world is a very interesting place. I think it argues for the United States of America to maintain its defenses, as we have in the consideration of this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I had not seen those remarks of Mr. Putin, but referring to his last comment, read by Senator MCCAIN, I guess people would go nuts in the setting Senator MCCAIN found himself in the Vietnam war. He probably is perhaps, only in that line, accurate that most people, indeed, could not have survived that experience. I know Senator MCCAIN does not raise this matter, but those of us who work with him appreciate all he has done for this country and for this body. I wish we had a chance to straighten out Mr. Putin about Senator MCCAIN. I don't think we will have that opportunity, but maybe his own people will do so in a free election someday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. HAGAN. Mr. President, I ask unanimous consent that all time in the quorum call be divided equally.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPOT PROVISIONS

Mr. LEVIN. Mr. President, I now ask unanimous consent that the following Senators be recognized for up to 4 minutes each to address the depot provisions in the bill, and at the end of their remarks Senator MCCAIN and I be recognized to address the same issue. This was the order we were given. They may want to change it: Senator SESSIONS, Senator CHAMBLISS, Senator INHOFE, Senator SHAHEEN, Senator AYOTTE, and Senator HAGAN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me thank the chairman of the committee. I appreciate the opportunity to have this colloquy because something has happened that shouldn't have happened. It happened over on the House side, and we had no control over it.

While I support and will vote for the fiscal year 2012 Defense authorization bill, this is the third year in a row we have bypassed the formal conference process. I am pleased we finished the bill, but this broken process allows for abuse, and we have certainly had some abuse that I will allude to here. If the proper procedure had been followed, some of these problems would not have happened.

On December 3, the House Armed Services Committee staff inserted new language into the conference that would impact how DOD maintains its ships, maintains its aircraft, maintains its ground vehicles—private and public—impacting thousands of jobs in a number of States. That was December 3. It wasn't until the morning of December 7 that I, along with several other Senators, were shown the new language. That was just 6½ hours before we were to have our first conference. We were going to be asked to support the new language without a full vetting from the concerned Members' offices or from the depots and shipyards, arsenals, the Shipbuilders Council of America, the Virginia Ship Repair Association, and all of the rest of these stakeholders and those who were concerned. That was November 7.

Then on November 9, 2 days later, I, along with Senators CHAMBLISS, SESSIONS, AYOTTE, COLLINS, HAGAN, and SHAHEEN sent a letter to Chairman LEVIN and Chairman MCKEON from the House and ranking members MCCAIN and SMITH opposing the new House Armed Services Committee language and asked that it not be included in the conference.

That was on December 9. We assumed they dropped the language, but they didn't. The new language was put in the bill at the insistence of staff, apparently, from all we can determine. Several Members of the Senate complained that the new language was not in either the House or the Senate bill, so it should not have been able to be dropped in.

They took the position that this was just a clarification of language that was already in, when in fact that wasn't the case because the new language was a complete and comprehensive rewrite of depot language contained in the original House bill. Stakeholders were not included in drafting the language. Senators were not included. Nobody knew.

The problem we had at that point—that was done on December 9. We were all committed to passing out the bill at that time, and many of the House Members had already signed the conference report. Then there was a rollcall vote, so they all disappeared. So our choice was to go back and open up everything again and nobody wanted to do that.

So we had language contained in the Senate bill, but it was dropped out in conference. That language specifically called for DOD to provide their inputs by March 1, 2012, on a recent study on the capability and efficiency of the depots before—and I emphasize this—before any change in legislation because the study alone does not provide Congress with a comprehensive view. This is what we requested.

I thank Senators LEVIN and MCCAIN for their support of this colloquy. I wish we had time to take care of this in conference, but I hope that by doing this we can slow down the implementation of the new language contained in the bill until the Senate has had time to fully vet these changes.

I certainly don't blame Chairman MCKEON. His staff told him—because he stated this in the meeting—his staff told him the new language was fully vetted, but it was not, and we were not contacted. So the process is wrong. I have to say this is the first time in my 8 years in the House on the House Armed Services Committee and my 17 years in the Senate that I have seen anything such as this happen. I hope we can delay implementing these changes until we in the Senate can be heard. That is what this colloquy is all about.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to thank the chairman for his willingness to enter into this colloquy. We had a discussion, as Senator INHOFE said, during the conference meeting last week in which it now is apparent that the process through which the depot language was inserted was not proper. Senator LEVIN has been very up front and straight forward with us, and I appreciate his willingness to do this today. I know the chairman has already acknowledged there are problems, and I appreciate his commitment to not only discuss it today but to revisit these issues as soon as the next Senate session convenes and address this issue through a truly inclusive process during which all Members and stakeholders can express their views.

Clearly, there was a process problem related to how these provisions wound up in the bill, and I think we can all agree that for issues that are as central to so many Members as the definitions of ''depot maintenance'' and ''core,'' the process needs to be inclusive and extensive and both Houses of Congress need to be equally involved. That simply did not happen in this case.

Specifically, related to the substance of the provisions, I am extremely concerned the rewrite of the 10 USC 2464 ''core'' statute replaces all references to ''core logistics'' functions in the original statute with ''depot maintenance and repair'' functions. This basically redefines ''core'' to be depot maintenance only, to exclude other logistics functions such as supply chain management and product support. This does constitute a very significant change, and I would argue that it is exactly in these areas of logistics functions beyond simple depot maintenance where the government has the greatest interest in protecting their own capabilities. Yet the bill defines these activities out of the core definition. This could very easily result in the government's ability to employ and therefore maintain expertise in areas such as program management, supply chain management, and product support management atrophying.

I have no doubt that private industry applauds this change because they would be the ones to presumably pick up this work. However, we should not kid ourselves into thinking industry would be cheaper. If the government loses this or any other depot-related capability, they will have an extremely hard time rebuilding that expertise, and this will only incentivize industry to charge more for their efforts. This is clearly a problem and one of the issues we need to address next year.

Secondly, the waiver in the 2464 rewrite is much broader than previously and allows for a waiver for military equipment that is not an enduring element of the national defense strategy. Perhaps this could make sense at some level if we knew what this meant, but we don't. What an ''enduring element of the national defense strategy'' is has never been defined; hence, we will be at the mercy of the subjective interpretation of the Department of Defense. That is not the way it should be, and we need to fix that.

The current ''core'' waiver in 2464 is much narrower and more defined. The presumption and philosophy in the current waiver is that work, other than work on commercial items, will be considered core, and only considered not core when it is clear it no longer needs to be. The committee's rewrite changes that presumption based on new standards which are unclear.

In addition to the two specific issues I have raised, there may be other unintended consequences to these changes of which we are unaware since we have had limited time, as Senator INHOFE said, to vet them and are just now receiving feedback from some of the stakeholders.

During the chairman's remarks and in response, I would appreciate his commitment to revisit these issues as soon as we can next year. I encourage DOD to go slowly in implementing any changes since there is a good chance we will make additional changes next year. I appreciate as well his commitment to include a legislative package in next year's national defense authorization bill that gets it right.

Again, I thank both Senator LEVIN and Senator MCCAIN for allowing us to address this issue and for their willingness to cooperate as we move forward next year to clear this matter up.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I wish to thank the chairman and the ranking member for allowing this colloquy to take place. I also wish to state that I believe the Senator from Oklahoma laid out a little bit of the groundwork of what we are discussing now.

I rise to discuss the depot maintenance issues associated with the House-adopted language in the conference. We must avoid doing anything that may upset the existing balance between DOD's internal depots, logistic centers, arsenals and specialty facilities, and the industrial base. The House-adopted provision can disrupt that delicate balance and have unintended consequences. We just don't know who may be impacted. We need time to get this right, and we need to ensure a transparent process in which all stakeholders can make their position known to Members of Congress.

The sensitivity associated with maintenance workload is at an all-time high. Disrupting the balance of depot-level maintenance comes at a time when our economy is struggling and when DOD is consolidating depot source-of-repair work for current and emerging weapons systems. Additionally, prematurely disrupting the readiness of our weapons systems fleet is not an option, especially with the operational tempo of our military.

It is critically important to preserve the capability and competencies of DOD's internal depot-level maintenance facilities while also sustaining the defense industrial base in order to

preserve our technological advantages and readiness on the battlefield. Both face considerable challenges within a fiscally constrained environment. Both the depots and the defense industrial base are reshaping and restructuring their operations in anticipation of this.

As our military said, ''It's one team, one fight.'' The research, development, and manufacturing communities within DOD, as well as in our universities, small businesses, and large corporations, are essential partners in our national security. That being said, we need to acknowledge the fragile nature of DOD's depot-level maintenance facilities and the defense supply chain within a heavily consolidated defense industrial sector. Our country simply cannot lose skilled manufacturing research and development expertise to global competitors.

Congress needs to do our due diligence to address the concerns of DOD's internal base involving maintenance, repair, and overhaul of the military equipment. At the same time, we need to facilitate public-private partnerships and healthy competition that will be mutually beneficial to the Department and the industrial base.

I know my colleagues are concerned about the impact this language may have in their States. I wish to highlight Fleet Readiness Center-East in North Carolina. Reducing FRC-East's workload is not an option. It would negatively impact the quality and cost-effective maintenance and logistics support for Navy and Marine Corps aviation. The operational readiness and availability of deployable Navy and Marine Corps aircraft would be undermined without preserving FRC-East's capabilities.

I certainly understand the incredible pressure the chairman and the ranking member were under trying to resolve hundreds of issues in conference over a very short period of time, and I certainly do appreciate their willingness to engage members of the committee and other interested stakeholders in a more comprehensive process next year so we can be sure we get this right.

Thank you, Mr. President. I yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate and share the comments made by the distinguished Senator from North Carolina. I believe it is important. Having come here 15 years ago and having confronted the question of depots and how they operate, I was surprised to learn the intensity of the feelings and the difficulty of the issue.

We worked on it for some time, and for the most part, it has been quiet under Senator LEVIN and Senator WARNER. We kind of worked out how this thing should be handled. I thought things were rocking along well and have been very disappointed that the House Members have taken an initiative at a point where we were told it was too late to make any changes in the process. That alters that understanding, and I am not comfortable with it.

I feel I have engaged in these issues. We have a depot in my State, and we should have given it better consideration. I do not believe it is correct, the language as it is. I do believe we need to make changes. So it is a concern that the delicate balance created by the current definition of ''core depot-level maintenance'' between government facilities and industry could be altered and at risk.

We have all worked on this issue for a number of years. We have a more efficient and productive model today than we had when I first came here because of a lot of hard work and intense effort. So that is a problem for me.

Another troubling element of this new definition is the potential treatment of commercial items. The notion that perhaps an engine or other major assembly of a major end item such as a tank or aircraft could be considered a commercial item and not part of our depot core mission is very problematic and would be contrary to the way we have been operating for many years.

I would like to point out that because of the hasty way this language came into the bill, we do not know the second- and third-level effects of this language. That in itself is another reason to make sure we get the policy right in a very deliberative and collaborative process.

I hope we have a solution that will work. I say to Chairman LEVIN and Senator MCCAIN, the ranking member, I appreciate your willingness to work to correct the error in the process—and I believe there was a process error—and to ensure that due diligence is done as we work to codify the definition of ''core depot-level maintenance.''

So I look forward to your leadership in conducting subcommittee hearings, full committee hearings, working sessions, and whatever it takes to make sure we get the language right before we get to the markup and consideration of the fiscal year 2013 National Defense Authorization Act.

I will conclude by saying we had some very important issues to deal with in the Defense bill. A lot of them were very difficult. Under Chairman LEVIN's leadership and Senator MCCAIN, we either reached an agreement or reached an agreement not to agree, and moved the bill forward. I think it is over 50 years now that this bill has moved forward every year. I think it is something to be proud of.

The only real controversy that came out of it is this depot matter. So it sort of went against the way we felt we should operate, the way that has resulted in settlements of disputed issues and moving the bill forward. For that reason, I think it is appropriate we ask that this issue be redealt with next year.

I yield the floor.

Ms. COLLINS. Mr. President, I would like to voice my concerns regarding two provisions included in the conference report, sections 321 and 327. These provisions constitute a major rewrite of depot policies and laws.

These sections have not been sufficiently vetted. They could potentially hurt competition in acquisition programs, harm our public depots, and cause unintended consequences that could significantly affect not only depots, but also the private sector industrial base and the thousands of employees in both sectors.

In February, the Logistics Management Institute, LMI, delivered a report to Congress making recommendations to modify the depot statutes. Both Armed Services Committees asked DOD to offer input on the LMI study, but the Department did not do so.

The Senate held DOD to account in the committee report accompanying this very bill, which states:

> The committee is concerned that a lack of Department of Defense input regarding the findings and recommendations of the LMI study does not provide Congress with a comprehensive view prior to enacting legislation that could have unintended consequences.

But even without DOD input, the House went ahead and included changes to depot provisions when it passed its bill in May.

The Senate-passed bill also included a provision to prohibit any change to the definition of depot maintenance until after the Defense Business Board conducted its own study as well.

Given the concern identified by the Senate Armed Services Committee and the requests for additional fact-based analysis, you can imagine my alarm when I learned that such a rewrite was being considered for inclusion in the conference report.

What surprised me even more was that the proposed rewrite differed significantly even from the provision in the original House-passed bill.

The Senator from Oklahoma, Senator INHOFE, and I voiced our concerns about this in a meeting of the conferees. After that, six Senators and I sent a letter to the leadership of both committees warning of the unintended consequences of including these provisions in the conference report. I ask unanimous consent to have our letter printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 9, 2011.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee, Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, Senate Armed Services Committee, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: As conferees to the Fiscal Year 2012 National Defense Authorization Act Conference, we write to voice our concerns with the HASC proposal regarding Sections 321 and 322 of the House bill. While we appreciate the attempt to improve the depot and shipyard related statutes, none of our offices were advised or consulted regarding these last minute changes being proposed by the

HASC or consulted during the last several months as these provisions were apparently being crafted.

Only a few conferees received the new proposed language on December 7th, but we are all now being asked to support new language that will have far reaching implications on aviation depots, shipyards, arsenals, and ammunition plants across the United States. It is inappropriate to attempt legislative changes that could affect more than 100,000 jobs, public and private, across the United States without careful vetting and ensuring there will be no unintended consequences.

While we support improvements to operations at our depots, shipyards, arsenals, and ammunition plants, the HASC proposed changes to the definitions of depot level maintenance could have profound and enduring negative consequences to the industrial base and ultimately the readiness of our force. Given the lack of transparency and abbreviated conference timeline, we request that you not include Sections 321 and 322 of the House bill in the FY12 NDAA Conference Report. We further recommend that we begin to work together as soon as possible regarding the possibility of incorporating a more thoroughly considered version of this language in the Fiscal Year 2013 NDAA.

Thank you for your consideration in this matter. A similar letter has been sent to Chairman McKeon and Ranking Member Smith.

Respectfully,

JAMES M. INHOFE.
JEFF SESSIONS.
SUSAN COLLINS.
JEANNE SHAHEEN.
KAY HAGAN.
SAXBY CHAMBLISS.
KELLY AYOTTE.

Ms. COLLINS. The two provisions raise a number of unanswered questions, questions that remain unanswered by the advocates of these provisions, and which could lead to significant consequences for public and private sector components of the industrial base. Let me share two examples.

First, the provision expands the definition of depot maintenance to include the installation of modifications and upgrades to end-items—a measure potentially harmful to competition.

There is a concern that the Army may be required by this provision to direct work related to the Modernized Expanded Capacity Vehicle, MECV, program to the public sector without a full and open competition allowing experienced private entities to bid.

It is my view that the MECV is much more than a modification to a weapon system because it is an acquisition program. I understand this view is shared by the Army, which has consistently said the source selection for the MECV will be full, open, and fair.

Those who have invested in this program deserve to know that this language does not restrict competition or introduce, in any way, an incentive to favor the public or the private sector as it relates to acquisition programs, and the MECV program in particular.

While depot maintenance work is an important component of both the public and private sector industrial base, Congress has consistently supported a strong core requirement at the depots for national security reasons. For example, vital submarine overhauls, refueling, and maintenance work are performed at the Portsmouth Naval Shipyard in Kittery, ME.

It is unclear if the ramifications of the conference report will lead to work flowing away from our public depots, thus jeopardizing the government's core repair capability.

I would ask the chairman to closely reevaluate these provisions to ensure that the two concerns I described, as well as the concerns of other interested Senators, are fully addressed.

This process should allow Members adequate time to reach out to interested parties and a committee hearing to understand the ramifications of these legislative changes to the defense industrial base.

I would also ask the chairman to commit to modifying or repealing these provisions, if necessary, in next year's NDAA.

I would also ask the chairman to ensure that any future proposals pertaining to these sensitive issues be addressed in a more inclusive and deliberate manner.

Finally, given the uncertainty and confusion surrounding these critical depot issues, I would hope that the Department of Defense would exercise much care and refrain from making dramatic changes in its policies.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor to echo the comments and concerns we have heard in the last few minutes from my colleagues on the Armed Services Committee regarding this House-inserted language on our Nation's military depots, arsenals, and shipyards.

I wish to begin by saying to Chairman LEVIN how much I appreciate his assurances, as well as those of Ranking Member MCCAIN, and Chairman MCKEON and Ranking Member SMITH in the House, that there are no intended changes to the current law under this language. I think that is very important for us to say to our constituents so they are reassured.

I also appreciate Chairman LEVIN's commitment to examine this issue closely in the coming year to prevent any unintended consequences that this language might have on our Nation's industrial repair facilities, including the Portsmouth Naval Shipyard, which my home State of New Hampshire shares with Maine and which is very important to us in the Northeast and I think to our military capabilities.

With that said, I have to say I share the concern that has been expressed about the manner in which this language was inserted. While I understand that the House has been working on this issue for some time, including holding roundtable discussions at the National Defense University, I believe there is much more that should have been done.

On Friday, December 9, my staff was made aware that this language from the House could be included in the final NDAA report—a measure we have all been working on for the past 11 months. So along with six other members of the committee, I signed a letter that very day—so 1 week ago tomorrow—indicating our concerns and frustration over including such language without adequate Senate review or input. Despite the concerns expressed in our letter, the language was included.

On such an important issue as this, usually we have had a very collaborative, transparent process in our committee, on the Senate side anyway, and I appreciate that. I think that has been one of the reasons for the great success of Senator LEVIN and Ranking Member MCCAIN in being able to get a bill out year after year on which there has been consensus agreement.

Unfortunately, that did not happen with respect to this language. As such, we now face a situation where the committee will need to spend a significant amount of time examining the language and its implementation over the next year to ensure no changes result.

The reason we as a nation maintain the 50–50 rule—where all maintenance work is split between the public and private sectors—is to ensure that in times of conflict, the Federal Government will have the critical capabilities necessary to repair our Nation's combat equipment.

Advanced technical repair work, such as the work done on nuclear submarines at the Portsmouth Naval Shipyard, requires highly skilled and specialized technicians. Any changes to the way we structure workload for these facilities has to be closely examined and should include input from the individual stakeholders who understand this issue best.

Generations of Americans have invested significant resources in our Nation's military to ensure our men and women in uniform have the most advanced equipment in the world to keep us safe.

I say to the chairman of the committee, I very much appreciate your assurance that we will continue to take a close look at this issue, including holding a hearing next year, if necessary. So I thank the Senator very much for his cooperation to work with us.

With that, I yield the floor.

The PRESIDING OFFICER. The junior Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to join in the comments of my colleague from New Hampshire and the concerns she has expressed, along with my other colleagues who serve on the Armed Services Committee.

But, first of all, I thank Chairman LEVIN and Ranking Member MCCAIN again for their tremendous leadership on the Defense authorization bill. We have conducted a tremendous amount of work in a short period of time, continuing the long-running, proud tradition of the Senate Armed Services

Committee of professionalism and bipartisanship in support of our troops and our national security.

This is a bill of which we can be proud. In a time of war, this bill supports the men and women of our Armed Forces and their families and authorizes the equipment, training, and resources our servicemembers need to complete their missions.

While I am very proud of this bill and pleased that many of my provisions to reduce wasteful spending and maintain military readiness have been included in the final conference report, I also share the concerns of my colleague from New Hampshire, Senator SHAHEEN, and other colleagues who serve on the Senate Armed Services Committee—both substantive and procedural concerns—regarding the depot provisions, sections 321 and 327, that were included by the House in the conference report.

When we were informed of this significant language—only last week—I joined a bipartisan group of Senators, including my colleague JEANNE SHAHEEN, to express our concern and our opposition to including the depot provisions in the final Defense bill.

As ranking member of the Senate Armed Services Readiness Subcommittee—which has oversight over depots, shipyards, arsenals, and ammunition plants—I am troubled that such a significant rewrite of depot statutes was hastily included in the final bill without consulting with key stakeholders and without conducting more complete analysis involving the Senate.

In the coming years, as we ask the Department of Defense to do more with less, the role of our depots and shipyards will become even more important. This is certainly true for our four public shipyards, including the Portsmouth Naval Shipyard, where many of my constituents work on a daily basis to sustain the world's best submarine force.

I share the pride my colleague from New Hampshire Senator SHAHEEN and my colleague from Maine Senator COLLINS feel about the Portsmouth Naval Shipyard. Portsmouth conducts maintenance on the Los Angeles- and Virginia-class submarines. In fact, Portsmouth has led the way for the entire Navy with the first-in-class maintenance availability on the USS Virginia.

While I am troubled by the process through which the depot provisions were included in the conference report, I am encouraged that both Chairman LEVIN and Ranking Member MCCAIN have expressed similar concerns and have committed to addressing these concerns in the coming months.

This process should include an inclusive and thorough vetting of the provisions to ensure we understand all the ramifications of what was included by the House.

As ranking member of the Readiness Subcommittee, I plan to propose to Chairman MCCASKILL that we hold a hearing on these depot provisions at the earliest opportunity next year.

The capabilities of our depots and shipyards and their role in sustaining military readiness are too important to hastily adopt such potentially far-reaching provisions.

Let me conclude by again thanking my colleagues on the Senate Armed Services Committee. Despite the partisanship that often characterizes Washington, it is encouraging to see that bipartisanship continues to prevail in the Senate Armed Services Committee. That is largely due to the leadership of Chairman LEVIN and Ranking Member MCCAIN.

I am proud of this bill, and I look forward to it becoming law in the coming days.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I join the chairman in the acknowledgment that many Members of the Senate have concerns with both the process and substance of the changes adopted in the Defense authorization conference report regarding statutes for depot activities in the Department of Defense. The protection of a core logistics capability within the Department has been a very controversial issue for many years, as the Department's depot enterprise employs over 77,000 personnel with an annual operating budget exceeding $30 billion. As we draw down from two wars which have consumed so much in resources and equipment, there will be much concern and debate about the continued workload and jobs at depots, shipyards, and arsenals, particularly in light of declining defense budgets.

I agree this debate and deliberation should have included all interested parties. While I support legislation that would have the clear intent of improving the effectiveness and efficiency of the Department's industrial activities, I was not and am not in support of moving forward on changes that have not been addressed with all members of the committee. The concerns expressed to us by Senator INHOFE, Senator CHAMBLISS, Senator COLLINS, Senator AYOTTE, Senator SHAHEEN, and others need to be reviewed in an open and transparent process.

As to the substance of the concerns, from what I can tell, there are opinions on the impact of these two provisions on both sides of the issue—from private industry and from the depots and their government civilian workers and unions.

I am aware some are very concerned that the changes in the conference report will upset the balance currently maintained between public and private performance of these activities, which could affect readiness. Changes to the definition of depot-level maintenance and repair have the potential to result in the shift of workload at shipyards. Changes to this provision should not be construed to restrict competition or to create any incentive to favor the public or the private sector as it relates to acquisition programs.

The narrowing of the statutes from core logistics to corps depot-level maintenance could be interpreted as congressional intent to eliminate the identification of core activities in the defense supply chain affecting arsenals and ammunition plants.

On the other hand, the inclusion of an expansive waiver provided to the Secretary of Defense to waive core requirements is very unsettling for every depot activity. Such a waiver could move significant amounts of depot work to the private sector.

Revisions to the definitions of ''commercial items'' to be exempted from core determinations could have an immediate detrimental impact to those depots that work on commercially available items of equipment, such as engines and transmissions of ground combat vehicles.

So many depots that do this sort of work are concerned about the impact. I agree we need to fully understand the impacts, real and unintended, from the implementation of these provisions. We will need to work closely with the Department of Defense to ensure that whatever changes or repeals we make are in the best interests of our military with the priority placed on readiness as well as efficiency of operations and fiscal responsibility.

I support the chairman and commit to giving this issue focused attention in the year ahead to ensure the measures taken in this year's bill are the right outcome for the Department of Defense and the taxpayers.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I appreciate and I understand the Senators' concerns about this issue as they have been expressed here this afternoon. I also very much appreciate their understanding relative to the extremely short period for conference this year where we worked through hundreds of provisions with our House colleagues in about a week, a process that usually takes a month or more.

While I am proud of what we were able to accomplish in this bill as a whole, it was probably likely that some language would need more consideration because of the time constraints we were operating under. Before I continue, I want to state my appreciation to the Members who spoke here this afternoon and members of the Armed Services Committee. They make major contributions to this committee.

I listened carefully to what our colleagues have had to say about the depot maintenance issue. I believe their concerns are substantive and merit careful consideration from the Armed Services Committee. This is an issue that was brought to our conference in the House bill.

The depot maintenance provisions that were approved by the House last

May arose out of a congressionally mandated independent review of the statutes, regulations, and policies guiding depot maintenance performance and reporting. The House conferees then proposed modifications to their own provisions based on the results of a series of discussions with stakeholders held throughout the summer at the National Defense University. We were told this process was comprehensive, that all stakeholders were invited, and that the resulting recommendations were widely accepted by all interested parties.

In particular, we understood the Department of Defense, private industry, and the House Depot Caucus had reached consensus on the revised House language. While those statements were made in good faith, it turns out they were not accurate. A number of key players, including stakeholders in government, private industry, and labor, did not participate in the process at National Defense University and were apparently unaware of the results.

Senators with a strong interest in the issue were not aware of the modified House language that was presented in our conference until it was too late to consider changes. I am aware that the depot maintenance issue has long been a sensitive one to our Nation and to many of our Members, and that the precise words in these provisions matter. The existing statutes, regulations, and practices have served to sustain both core logistics capabilities and the defense industrial base over the last decade, so any changes need to be fully understood.

I understand there are a number of unanswered questions about the provisions in the conference report that could have significant effects. For example, first, the new language substitutes the term ''core depot level maintenance'' for the existing term ''core logistics.'' Does this change impact National Guard readiness, sustainment maintenance sites, and other DOD facilities that are not depots? Does the change impact requirements for supply chain management and other logistics functions that are not performed by depots?

Second, the new language changes the wording regarding modifications in the definition of core depot level maintenance. Does this change impact planned public-private competitions for modifications and upgrades programs? Does the change preserve the distinction between modifications and upgrades on the one hand and acquisition programs on the other? Is this an expansion of core functions that will be required to be performed in the public sector with an adverse impact on the defense industrial base?

Third, the new language changes the wording of the exclusion for commercial items. Is this a change to the existing exclusion or merely a recodification? Will it impact maintenance requirements for commercial derivative aircraft and other major defense systems that are based on commercial technology?

Fourth, the new language includes a waiver rather than an exemption from core requirements for nuclear aircraft carriers. Will the new language result in any change in requirements for the maintenance and modifications of nuclear aircraft carriers?

Fifth, the new language includes the authority to waive core requirements for any weapons system that is ''not an enduring element of the national defense strategy,'' rather than an exclusion for a workload that is ''no longer required for national defense reasons.'' Does this new language mean something different from the existing language? If so, will it change the balance of work between the depots and the private sector?

I am committed to have the Armed Services Committee revisit the modifications to the depot maintenance laws included in this conference report and to give full consideration to the concerns our Members have raised. Over the coming months we will engage with interested Members and their staffs to review the language in detail. Together we will reach out to interested parties through a process that will include a full committee hearing if we determine one is needed. We will then take action to repeal or modify anything that needs to be repealed or modified in these provisions during our consideration of next year's National Defense Authorization Act. Many of my colleagues heard Chairman BUCK MCKEON make a similar commitment at our final conference meeting.

During the next year, while this review process is underway, I join my colleagues in urging the Department of Defense to proceed with caution in implementing this legislation. In particular, I urge the Department to make as little change as possible in the status quo with regard to these functions during the next year. It would be unfortunate if the Department were to change significant functions from one form of performance to another this year only to be required to change the decision again the year later.

Our objective has always been and always will be to ensure the Nation's depot maintenance system is structured and supported in a manner that efficiently and effectively provides for the readiness of our Armed Forces and our national security. I know this is a critically important issue. I look forward to working with Senators over the next year to take the steps we have discussed here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me speak to some of the provisions of the National Defense Authorization Act especially concerning nuclear modernization and the implementation of the New START treaty. This is in the context of the omnibus appropriations bills that we will consider later this week, which appear to include funding reductions from the President's request for nuclear weapons modernization activities for the year 2012.

Earlier this year I introduced the New START Implementation Act because other Senators and I believed it is necessary that the Congress codify the agreement made between the President and Congress regarding the commitment to the modernization of our nuclear deterrent. Indeed, it is fair to say the Senate's support for the ratification of New START was contingent on modernization of the remaining nuclear arsenal.

One of the critical features of that legislation was the link between funding of the administration's 10-year nuclear modernization program to any U.S. nuclear force reductions in a given year. The language that appeared in the House-passed version of the Defense bill was good policy because it limited the reductions in warheads the United States otherwise would make pursuant to the New START treaty if Congress failed to provide the funding prescribed each year under the so-called 1251 modernization plan. In other words, warhead reductions were based on adequate funding.

The House language would also prohibit reduction of the nuclear stockpile hedge of nondeployed warheads until after we completed construction of the key nuclear facilities necessary to regain our production capacity. The reason for that, of course, is we have a hedge or a stockpile of these weapons that exists in the event we would need them since we do not have a production capacity right now to replace them. Until that capacity is created, probably in about a decade, we will need to continue to maintain that hedge capability.

The language that appears in the conference report now before us removes this explicit linkage, which I think is very unfortunate. The NDAA conference report addresses these concerns in some ways, though not as strongly as we originally intended. Here is what the compromise in the bill provides: First, in any year in which modernization is not fully funded, the President must report to Congress how he intends to address the shortfall and whether as a result of the shortfall it is still in the national interest to remain a party to the New START treaty. For the first time, the President will be compelled to detail his plans for U.S. nuclear force reductions over the next 5 years, which will provide Congress an opportunity to evaluate whether these reductions are in the national interest. This second provision is an important addition. Third, in any year in which the President seeks reductions in the nuclear stockpile, he must first seek from the Commander of U.S. Strategic Command a net assessment on the reductions, which, of course, puts the Commander of STRATCOM in a crucial position, and to provide that assessment to Congress unchanged. And, finally, the President must provide to

Congress any changes to the Nation's nuclear war plan and provide access to certain Members of Congress to these plans.

These are all important provisions, but without the House language, the possibility remains that we will draw down our warheads under START without adequate funding to ensure our remaining stockpile meets our requirements. As I said, this is quite unfortunate.

Let's recall why this modernization of our nuclear weapon program was necessary. The modernization program was painstakingly worked out, first within the Department of Defense, and the Department of Energy, our national laboratories, and then between the administration and Senators at the time of the New START treaty. It resulted in a 10-year $200 billion work plan to renovate our national laboratories, to extend the life of our nuclear weapons, to maintain their safety, the security and effectiveness of those warheads, and to sustain the modernization of the triad of our nuclear delivery systems, the ICBMs, bombers, and nuclear submarine force.

The plan was updated last November after a very thorough review by the Department of Defense and the Department of Energy, bringing the total 10-year funding figure to about $213 billion. There was little disagreement at the time about the need to modernize our nuclear facilities or about this amount which represented the cost over the 10-year period.

Indeed, between fiscal year 2005 and fiscal year 2010, the National Nuclear Security Administration, or NNSA, had lost about 20 percent of its purchasing power due to funding cuts. This, without the changes recommended in the 1251 report, would have been devastating to its modernization plan. Incredibly, funding for stockpile surveillance activities—these are activities which are necessary for the President to annually certify the safety and effectiveness of our nuclear warheads and bombs—had declined by 27 percent during this period of time. In other words, our ability to actually even understand what was going on in these weapons and determine whether changes had to be made was being degraded substantially. The situation was so dire that in February 2010, Vice President BIDEN gave a major address on the subject at the National Defense University and penned an op-ed in the Wall Street Journal that stressed:

> The slow but steady decline in support for our nuclear stockpile and infrastructure—

And then noting that again—

> For almost a decade, our laboratories and facilities have been underfunded and undervalued.

He concluded by observing that "Even in a time of tough budget decisions, these are investments we must make for our security."

Secretary of Defense Gates had earlier drawn attention to the neglect of our nuclear weapon complex. In 2008 he said, "To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the numbers of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program."

Of course, we have not resumed testing, which meant our only alternative was this modernization program which we then all agreed to. What is the linkage between modernization and the reductions in warheads called for under the START treaty? Well, it is pretty clear. As the President's National Security Advisor wrote to me in April of 2010, "Support for the nuclear complex is fully consistent with and, indeed, an enabler of the nuclear reductions we seek to implement—a direct connection, in other words.

So critical was the need to reverse the decline in our nuclear weapon enterprise that the Senate included in its resolution of ratification for the New START treaty a condition No. 9, which stated:

> The United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapon production capabilities and capacities that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems.

The condition also stipulated that if appropriations are enacted that fail to meet the requirements set forth in the President's 10-year plan, then the President must tell Congress how he proposes to remedy the resource shortfall and whether the United States should remain a party to the treaty in light of such funding shortfalls.

That commitment to modernization was made explicit by the chairman and ranking members of the Senate Appropriations Committee and its Energy and Water Development Subcommittee, who wrote to the President on December 6, 2010, to express support for "ratification of the New START treaty and full funding for the modernization of our nuclear weapons arsenal, as outlined by your updated report that was mandated by section 1251 of the Defense Authorization Act for Fiscal Year 2010."

Despite this commitment, we are now faced with a reduction of some $400 million below the President's $7.6 billion request for nuclear weapon activity. It depends on the outcome of the appropriations process, but based upon the bill that was filed in the House last night, this appears to be the amount of reduction.

Senior officials from our national labs, the Department of Defense, and NNSA have all warned that cuts of this magnitude will delay construction activities for critical nuclear processing facilities, postpone critical life extension programs for our nuclear warheads, and could jeopardize our ability to certify the nuclear stockpile without testing.

In the words of Defense Secretary Panetta:

> I think it's tremendously shortsighted if they reduce the funds that are absolutely essential for modernization. . . . If we aren't staying ahead of it, we jeopardize the security of this country. So for that reason, I certainly would oppose any reductions with regards to the funding for [modernization].

Likewise, General Kehler, the commander of U.S. Strategic Command, told Congress that, due to the impending NNSA budget cuts, "we've got some near-term issues that will impact us in terms of life-extension programs for aging weapons."

What are life extension programs? These are the ways in which we can take the nuclear warheads that need working and extend their life by refurbishing them or replacing some of the components and doing other things that generally the scientists understand are critical to maintain the safety, the surety, and the reliability of those weapons over the period of time in which they are needed.

We all understand that the appropriations committees were under immense budget pressures, especially after the Budget Control Act of 2011. Full funding for nuclear modernization, though, was a priority brought about by this Nation's pledge, made in the New START treaty, to reduce the levels of U.S.-deployed nuclear weapons. As such, it should have superseded other budgetary considerations. It should have been fully funded.

Few things are more important than ensuring that our Nation's nuclear deterrent is effective and reliable, especially as those forces are reduced to lower levels by the START treaty arms control agreement. Indeed, this was the view of the House and Senate Armed Services Committees, which fully authorized the President's request for nuclear modernization.

Senior DOD officials worked to secure adequate funding for the President's 10-year commitment to nuclear modernization. Among other things, the President submitted the budget that requested the full amount of funding called for in the 1251 report, and the Department initially transferred $8.3 billion in budget authority to NNSA for weapons activities over a 5-year period, which, unfortunately, is not fully reflected in the fiscal year 2012 Energy and Water appropriations bills.

In this case, the customer, the Department of Defense, was so concerned that the Energy Department could do this work that it transferred its own budget authority to accomplish it. Yet some of that money was drained away for other purposes.

Some of the $400 million shortfall could possibly be mitigated, however, if the Secretary of Defense exercises the transfer authority that is going to be granted in this fiscal year 2012 Defense authorization bill to transfer up to $125 million to NNSA for weapons activities. This is a very small amount of money for four critical top priorities identified by the Department of Defense; therefore, if it can find the

funds, it can utilize the transfer authority that has been granted in this legislation and get that money to the NNSA to do the work that is absolutely critical next year. I will be working with the Department of Defense and my colleagues in Congress to ensure that this happens.

I express my appreciation to the chairman and ranking members of the committees and the conference committee who saw to it that this language to allow the Defense Department to transfer these funds was included.

Finally, let me mention what the consequences of the $400 million reduction could mean in the future. First, it could send a message to OMB that Congress no longer considers itself bound to the 10-year modernization funding plan. This would be a huge mistake; it would be wrong. OMB then might direct less funding in the future for nuclear weapons in fiscal 2013 and following years than originally prescribed in the 1251 plan, which would be very wrong. But the problem is that any divergence between what was deemed necessary over the next 10 years and what is actually appropriated by Congress will continue to grow—maybe to the point where it becomes difficult to certify on an annual basis that the nuclear stockpile is safe, reliable, and effective.

Referring to such reductions, NNSA Administrator Tom D'Agostino reported this to Congress on November 2:

> This is the work to make sure these technologies are the ones that allow us to certify the stockpile on an annual basis without underground testing. Reductions in these areas will have a direct impact on the President today in the ability to certify the stockpile without underground testing.

For those who remain so opposed to underground testing, you cannot have it both ways. You cannot both oppose underground testing and prevent the Department from getting the money it needs to modernize the stockpile. We have to do one or the other. We are now $400 million below where we need to be.

A second impact: Life extension programs for nuclear warheads, already facing very tight schedules because of the delays over the years, would be further delayed and exacerbated. Warheads that are not refurbished in time are not going to be available for deployment. This would have serious consequences for the readiness of our nuclear deterrent at a future date, which, of course, could have serious implications for the credibility of our nuclear guarantees to our allies and partners.

Third, the revitalization of nuclear labs—including expensive but very necessary construction projects—will be further delayed, and, of course, costs will go up even more. Funding for science will be curtailed to support higher priority programs, thus starving the labs of important innovation and perhaps hampering recruitment of the scientists and engineers necessary to maintain the long-term viability of the nuclear weapons complex.

Fourth, this funding reduction will trigger the reporting requirement contained in Condition 9 of the New START resolution of ratification, requiring the President to explain the impact of the resource shortfall on the safety, reliability, and performance of our nuclear forces. We know what that report is going to say. It is serious. The President must also propose how he plans to resource the shortfall and, in light of the shortfall, whether and why it remains in the national interest of the United States to remain a party to New START. As a result, Members of Congress may seek to ensure, through annual defense authorization legislation, that any future New START-mandated reductions in the nuclear stockpile are tied to successful execution of the planned modernization program.

Finally, this funding reduction, which could well be a precursor to further cuts in the future, will dampen the enthusiasm of Senators to agree to any future arms control agreement. Senators who voted for New START on the basis of the 10-year modernization program will not be so easily swayed by such promises in the future.

I look forward to taking up and voting on the Defense authorization conference report. It has a lot of good things in it and some things that aren't as good. This report, as I said, is not as strong as was the House language, but it will contain some important provisions the Congress will try to enforce to ensure that the modernization of our nuclear weapons continues on schedule for the next 10 years, which is something that is critical to our future national security.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak on the National Defense Authorization Act conference report we will be voting on later today.

First, I wish to acknowledge that Chairman LEVIN and Ranking Member MCCAIN have worked tirelessly to craft the Defense authorization bill to provide our Armed Forces with the equipment and services they need to keep us safe. I thank them, their staffs, and all my colleagues for their diligence and dedication to this important work.

I also come to the floor because I want to share, as I have over the last few weeks, the concerns that many Americans—and especially the people I represent in Colorado—have expressed over the last few weeks about the detainee provisions that have been included in the Defense authorization bill. I wish to make it clear that I still have very strong concerns about these provisions, especially because they have been presented as a solution to alleged gaps that exist in our counterterrorism policy.

It is my strong belief that our military men and women, law enforcement officials, and counterterrorism professionals have done an outstanding job since 9/11 to keep our Nation safe. For 10 years we have killed, captured, and prosecuted terrorists, and I believe—in fact, I know—our system has been successful.

The professionals whom I just mentioned, who are in charge of waging this battle to keep us safe, agree that the detainee provisions are of real concern. That includes the Secretary of Defense, the Director of National Intelligence, and the Directors of both the FBI and CIA.

In speaking to these same concerns that I continue to hold, along with the people just mentioned, the administration has stated:

> We have spent 10 years, since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

I know many agree, especially Coloradans, who have contacted me in very impressive and large numbers. They believe, as I do, that these detention provisions could endanger our national security and that we ought to take a hard look at where we are heading.

I strongly objected to these detention provisions back in the summer when the Armed Services Committee first considered them. In fact, I was the only member of the committee who cast a ''no'' vote during the committee markup. I felt a little lonely at that point in time, but I think my judgment has been recognized by the outpouring of concern about where we may be headed.

Let me talk about what they do. The provisions could authorize the indefinite military detention of American citizens who are suspected of involvement in terrorism, without charge, even those captured in the United States. The point I have tried to make over and over again is that this concerns each and every one of us. If these provisions deny American citizens their due process rights under a nebulous, new set of directives, it would not only make us less safe, but it would serve as an unprecedented threat to our constitutional liberties.

Senator GRAHAM, my friend from South Carolina, has stated that if an American citizen takes up arms against the United States, he or she could be treated as an enemy combatant. I agree. However, the dangerous part of that proposition is as follows: How do we go about determining who those individuals are? No matter how serious the charge may be, the Constitution requires us to provide our citizens with due process before they are incarcerated—especially indefinite incarceration. If we start labeling our citizens as enemies of the United States without any due process, I think we will have done real damage to our system of justice in our country, which is admired all over the world.

My colleagues and I all agree that we have to take every action necessary to keep our Nation safe. But what separates us—what makes America exceptional—is that even in our darkest

hours, we ensure that our constitution prevails.

We do ourselves a grave disservice by allowing for any citizen to be locked up indefinitely without trial, no matter how serious the charges against them. Doing so may make us feel safer, it may be politically expedient, but we risk losing the principles of justice and liberty that have kept our Republic strong, and it does, frankly, nothing to make us safer. No terrorist, no weapon, no physical threat is powerful enough to destroy who we are as a people, and that is why we have to remain diligent in ensuring we hold true to the principles that make our country great.

I took note of this very principle in a powerful piece written by two retired four-star Marine Corps generals, General Krulak and General Hoar.

Mr. President, I ask unanimous consent to have printed in the RECORD the article written by these two generals.

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

[From the New York Times, Dec. 12, 2011]

GUANTÁNAMO FOREVER?

(By Charles C. Krulak and Joseph P. Hoar)

In his inaugural address, President Obama called on us to ''reject as false the choice between our safety and our ideals.'' We agree. Now, to protect both, he must veto the National Defense Authorization Act that Congress is expected to pass this week.

HOBBLING THE FIGHT AGAINST TERRORISM

This budget bill—which can be vetoed without cutting financing for our troops—is both misguided and unnecessary: the president already has the power and flexibility to effectively fight terrorism.

One provision would authorize the military to indefinitely detain without charge people suspected of involvement with terrorism, including United States citizens apprehended on American soil. Due process would be a thing of the past. Some claim that this provision would merely codify existing practice. Current law empowers the military to detain people caught on the battlefield, but this provision would expand the battlefield to include the United States—and hand Osama bin Laden an unearned victory long after his well-earned demise.

A second provision would mandate military custody for most terrorism suspects. It would force on the military responsibilities it hasn't sought. This would violate not only the spirit of the post-Reconstruction act limiting the use of the armed forces for domestic law enforcement but also our trust with service members, who enlist believing that they will never be asked to turn their weapons on fellow Americans. It would sideline the work of the F.B.I. and local law enforcement agencies in domestic counterterrorism. These agencies have collected invaluable intelligence because the criminal justice system—unlike indefinite military detention—gives suspects incentives to cooperate.

Mandatory military custody would reduce, if not eliminate, the role of federal courts in terrorism cases. Since 9/11, the shaky, untested military commissions have convicted only six people on terror-related charges, compared with more than 400 in the civilian courts.

A third provision would further extend a ban on transfers from Guantánamo, ensuring that this morally, and financially expensive symbol of detainee abuse will remain open well into the future. Not only would this bolster Al Qaeda's recruiting efforts, it also would make it nearly impossible to transfer 88 men (of the 171 held there) who have been cleared for release. We should be moving to shut Guantánamo, not extend it.

Having served various administrations, we know that politicians of both parties love this country and want to keep it safe. But right now some in Congress are all too willing to undermine our ideals in the name of fighting terrorism. They should remember that American ideals are assets, not liabilities.

Mr. UDALL of Colorado. Mr. President, these generals put it right to the point we all need to hear: Our ideals are assets, not liabilities. In that spirit, interestingly enough, we had a very robust debate about these detention provisions, and it bolstered my faith we could continue to have great and substantive debates in this body. Because of the concerns that were raised and serious questions that were presented about the provisions, we were able to secure some improvements that may reduce some of the grave concerns I have outlined here.

I see my good friend from Illinois, who I know is going to speak and who shares some of my concerns, so let me touch on a couple of the adjustments that have been made.

Senator FEINSTEIN's amendment clarified that detainee provisions are not to be interpreted ''to affect existing law or authorities relating to the detention of United States citizens.''

I was a member of the conference committee on this bill, and during the conference committee negotiations resulted in a clarification that was made to ensure these provisions are not to be interpreted to ''affect the existing criminal enforcement and national security authorities of the FBI or any other domestic law enforcement agency.'' These were helpful changes and, hopefully, will prevent the undermining of our constitutional liberties and the disruption of domestic counterterrorism efforts.

However, while I was pleased my colleagues were willing to acknowledge the language presented serious problems and left many questions unanswered, I still remain concerned about the detention provisions. Making changes to the law that have serious ramifications for our Constitution and our national security deserve serious thought and deliberation. Yet to this day we have not had a single hearing on these matters. Hearings would allow us to understand and mitigate the concerns of national security experts such as FBI Director Mueller. Director Mueller testified yesterday in front of the Senate Judiciary Committee and said that because of the requirements of this language, ''the possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.''

One of our primary goals in these cases is to gain actionable intelligence, and the FBI is very good—in fact, they are unbelievably good—at using a variety of techniques to gather the information we need—techniques, by the way, that fit within the Bill of Rights and the Uniform Code of Military Justice. Some of my colleagues believe that intelligence will be lost if a suspect receives a Miranda warning, but now we may be jeopardizing entire cases by adding new layers of bureaucracy and questionable legal processes.

These detention provisions, even as they are amended, will present numerous constitutional questions that the courts will inevitably have to resolve, and the provisions will present logistical problems that our national security experts will have to wade through. It sure feels to me as though these changes are being forced on an already nimble and effective counterterrorism community against their warnings, and I remain unconvinced of their benefit. I continue to believe the best course of action would be to separate these detention provisions from the Defense authorization bill so we can take our time, speak to experts in the field, and make sure we are effectively balancing our counterterrorism needs and the constitutional freedoms of American citizens. Most importantly, we need to understand and we need to ensure we are not damaging our national security. That is why I made it clear in signing the conference report that I do not support the two flawed detention provisions, sections 1021 and 1022.

All of that said, the Senate has a solemn obligation to our men and women in uniform to pass a Defense Authorization Act. As a proud member of the Senate Armed Services Committee, I understand the importance of this bill for our military and for their families, and while I continue to have serious reservations about the detention provisions and sought to separate them from the Defense authorization bill, we face a single vote on the entirety of the Defense bill, which includes the amended detention provisions. That is not how I wanted to proceed, but that is the choice in front of us.

For those who joined me in voicing opposition to the detention provisions, I thank you. We fought to ensure that the rights of American citizens are not trampled with ease, and we joined the counterterrorism community to demand the full use of existing tools to fight the enemy. We showed that such a debate was worth having and secured revisions to the language that will now help us continue the important work of ensuring that both our Constitution and our national security remain protected.

Although I intend to vote for final passage of the conference bill, I want to make clear I do not fully support the bill. I sincerely believe this debate is not over and there is much work left to do. Over the coming months and years, as a member of the Senate Armed Services Committee, I intend to hold this administration, and any further administration, accountable in

the implementation of these provisions.

I will also push the Congress to conduct the maximum amount of oversight possible as it relates to these provisions. We must apply a heightened level of scrutiny to ensure that what passes the Senate today does not deny U.S. citizens their due process rights and does not impede our counterterrorism efforts by hamstringing our military, the FBI, the CIA, or others who keep us safe. If these provisions stray in any way from that standard, I will be the first to demand hearings and changes to the law.

In conclusion, I believe we owe it to our men and women in uniform to pass a Defense authorization bill, but we also owe the American people a full and honest debate about our national security strategy that keeps us both safe and protects this document—the Constitution—we all have taken an oath to uphold.

With that, I yield the floor.

Mr. BINGAMAN. Mr. President, I rise today in strong opposition to several sections of the fiscal year 2012 Department of Defense authorization bill relating to detainees.

I have serious concerns regarding the detention provisions included in the final conference report. When this legislation was being discussed in the Senate, the Secretary of Defense, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation clearly stated that these provisions would undermine the ability of the government to bring suspected terrorists to justice. The language in the bill also raises significant issues regarding civil liberties, including the applicability of the indefinite detention provision to American citizens.

Section 1021 of the conference report provides the U.S. military with the authority to indefinitely detain, without trial, an individual suspected of involvement in hostilities against the United States. The ability to detain the person without charges could last until the ''end of hostilities''—a completely undefined period of time considering that we are confronting a long-term conflict with groups, such as al-Qaida, who will never sign a peace treaty ending the hostilities.

The final language does include an amendment offered by Senator FEINSTEIN that states that the provision should not be construed as affecting existing law with respect to the detention of U.S. citizens, but this language simply restates that the law is what the law is. The problem is that the law is unsettled. If Congress is going to enact provisions authorizing the indefinite detention of a person without a trial, frankly, I believe the sensible approach is to be very clear about whether or not it is the intent of Congress to include American citizens within this category.

Another problematic provision is section 1022, which mandates that the military detain suspected members of al-Qaida, including those captured within the United States. As I previously mentioned, military and Federal law enforcement officials have argued that this provision will hamper their ability to bring suspected terrorists to justice by limiting the flexibility of civilian law enforcement and creating a completely new and untested framework for dealing with suspected terrorists.

Proponents of this provision have argued that this section will not interfere with the ability of civilian law enforcement to do their job. They point to the fact that the President may waive the requirement and that the President must draft procedures within 60 days to mitigate any problems associated with implementing this section.

First, with regard to the waiver, if civilian law enforcement agents capture a suspected terrorist, the need to obtain a Presidential waiver for continued civilian detention could disrupt interrogations and intelligence gathering. Second, if there is an acknowledgement that the statute could interfere with Federal law enforcement's ability to interrogate and prosecute a suspected terrorist, it would seem more appropriate to just address the underlying problems with the statute rather than task the administration with coming up with procedures to deal with these shortfalls.

Just yesterday, the Director of the FBI, Robert Mueller, in testimony before the Senate Judiciary Committee, stated that the revised language did not fully address his concerns about the negative impact the military detention provision would have in interfering with the work of investigators.

The bottom line is that this section muddies the water and is completely unnecessary. The administration already has the discretion to prosecute foreign terrorists in civilian court or in military tribunals. We should maintain this flexibility to ensure the government is able to aggressively pursue terrorists in the forum that is the most effective in each specific case.

Lastly, I would like to briefly comment on the various provisions in the conference report aimed at limiting the ability of the administration to close the detention facility in Guantanamo Bay. It has been about 10 years since the Bush administration established the facility and its closure is long overdue.

As a recent article by Scott Shane of the New York Times pointed out, the government spends around $800,000 a year to house each of the 171 remaining prisoners at the military facility at Guantanamo. This is despite the fact that our Federal prison system has a strong record of safely holding individuals convicted of terrorism-related offenses—there are currently 362 of these individuals within the custody of the Bureau of Prisons.

Mr. President, I ask unanimous consent that the article be printed in the CONGRESSIONAL RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. It is unfortunate that Congress continues to put in place restrictions preventing the transfer of inmates and the closure of the facility. I believe our Nation's handling of detainees will not be viewed kindly by history, and I look forward to the day we are able to close this regrettable chapter.

I supported an amendment offered by Senator MARK UDALL to remove all of the detainee provisions from the Senate bill. Unfortunately, the measure was not adopted. It was my hope that these matters would be dealt with as the legislative process moved forward, and I am disappointed that efforts to adequately address these concerns were unsuccessful. I will continue to support efforts to revise these provisions as Congress discusses detainee matters in the future.

EXHIBIT 1

[From the New York Times, Dec. 10, 2011]

BEYOND GUANTÁNAMO, A WEB OF PRISONS FOR TERRORISM INMATES

(By Scott Shane)

WASHINGTON.—It is the other Guantánamo, an archipelago of federal prisons that stretches across the country, hidden away on back roads. Today, it houses far more men convicted in terrorism cases than the shrunken population of the prison in Cuba that has generated so much debate.

An aggressive prosecution strategy, aimed at prevention as much as punishment, has sent away scores of people. They serve long sentences, often in restrictive, Muslim-majority units, under intensive monitoring by prison officers. Their world is spare.

Among them is Ismail Royer, serving 20 years for helping friends go to an extremist training camp in Pakistan. In a letter from the highest-security prison in the United States, Mr. Royer describes his remarkable neighbors at twice-a-week outdoor exercise sessions, each prisoner alone in his own wire cage under the Colorado sky. ''That's really the only interaction I have with other inmates,'' he wrote from the federal Supermax, 100 miles south of Denver.

There is Richard Reid, the shoe bomber, Mr. Royer wrote. Terry Nichols, who conspired to blow up the Oklahoma City federal building. Ahmed Ressam, the would-be ''millennium bomber,'' who plotted to attack Los Angeles International Airport. And Eric Rudolph, who bombed abortion clinics and the 1996 Summer Olympics in Atlanta.

In recent weeks, Congress has reignited an old debate, with some arguing that only military justice is appropriate for terrorist suspects. But military tribunals have proved excruciatingly slow and imprisonment at Guantánamo hugely costly—$800,000 per inmate a year, compared with $25,000 in federal prison.

The criminal justice system, meanwhile, has absorbed the surge of terrorism cases since 2001 without calamity, and without the international criticism that Guantánamo has attracted for holding prisoners without trial. A decade after the Sept. 11 attacks, an examination of how the prisons have handled the challenge of extremist violence reveals some striking facts:

—Big numbers. Today, 171 prisoners remain at Guantánamo. As of Oct. 1, the federal Bureau of Prisons reported that it was holding 362 people convicted in terrorism-related cases, 269 with what the bureau calls a

connection to international terrorism—up from just 50 in 2000. An additional 93 inmates have a connection to domestic terrorism.

—Lengthy sentences. Terrorists who plotted to massacre Americans are likely to die in prison. Faisal Shahzad, who tried to set off a car bomb in Times Square in 2010, is serving a sentence of life without parole at the Supermax, as are Zacarias Moussaoui, a Qaeda operative arrested in 2001, and Mr. Reid, the shoe bomber, among others. But many inmates whose conduct fell far short of outright terrorism are serving sentences of a decade or more, the result of a calculated prevention strategy to sideline radicals well before they could initiate deadly plots.

—Special units. Since 2006, the Bureau of Prisons has moved many of those convicted in terrorism cases to two special units that severely restrict visits and phone calls. But in creating what are Muslim-dominated units, prison officials have inadvertently fostered a sense of solidarity and defiance, and set off a long-running legal dispute over limits on group prayer. Officials have warned in court filings about the danger of radicalization, but the Bureau of Prisons has nothing comparable to the deradicalization programs instituted in many countries.

—Quiet releases. More than 300 prisoners have completed their sentences and been freed since 2001. Their convictions involved not outright violence but ''material support'' for a terrorist group; financial or document fraud; weapons violations; and a range of other crimes. About half are foreign citizens and were deported; the Americans have blended into communities around the country, refusing news media interviews and avoiding attention.

—Rare recidivism. By contrast with the record at Guantánamo, where the Defense Department says that about 25 percent of those released are known or suspected of subsequently joining militant groups, it appears extraordinarily rare for the federal prison inmates with past terrorist ties to plot violence after their release. The government keeps a close eye on them: prison intelligence officers report regularly to the Justice Department on visitors, letters and phone calls of inmates linked to terrorism. Before the prisoners are freed, F.B.I. agents typically interview them, and probation officers track them for years.

Both the Obama administration and Republicans in Congress often cite the threat of homegrown terrorism. But the Bureau of Prisons has proven remarkably resistant to outside scrutiny of the inmates it houses, who might offer a unique window on the problem.

In 2009, a group of scholars proposed interviewing people imprisoned in terrorism cases about how they took that path. The Department of Homeland Security approved the proposal and offered financing. But the Bureau of Prisons refused to grant access, saying the project would require too much staff time.

''There's a huge national debate about how dangerous these people are,'' said Gary LaFree, director of a national terrorism study center at the University of Maryland, who was lead author of the proposal. ''I just think, as a citizen, somebody ought to be studying this.''

The Bureau of Prisons would not make any officials available for an interview with The New York Times, and wardens at three prisons refused to permit a reporter to visit inmates. But e-mails and letters from inmates give a rare, if narrow, look at their hidden world.

PAYING THE PRICE

Consider the case of Randall Todd Royer, 38, a Missouri-born Muslim convert who goes by Ismail. Before 9/11, he was a young Islamic activist with the Council on American-Islamic Relations and the Muslim American Society, meeting with members of Congress and visiting the Clinton White House.

Today he is nearly eight years into a 20-year prison sentence. He pleaded guilty in 2004 to helping several American friends go to a training camp for Lashkar-e-Taiba, an extremist group fighting Indian rule in Kashmir. The organization was later designated a terrorist group by the United States—and is blamed for the Mumbai massacre in 2008—but prosecutors maintained in 2004 that the friends intended to go on to Afghanistan and fight American troops alongside the Taliban.

Mr. Royer had fought briefly with the Bosnian Muslims against their Serbian neighbors in the mid-1990s, when NATO, too, backed the Bosnians. He trained at a Lashkar-e-Taiba camp himself. And in 2001, he was stopped by Virginia police with an AK–47 and ammunition in his car.

But he adamantly denies that he would ever scheme to kill Americans, and there is no evidence that he did so. Before sentencing, he wrote the judge a 30-page letter admitting, ''I crossed the line and, in my ignorance and phenomenally poor judgment, broke the law.'' In grand jury testimony, he expressed regret about not objecting during a meeting, just after the Sept. 11 attacks, in which his friends discussed joining the Taliban.

''Unfortunately, I didn't come out and clearly say that's not what any of us should be about,'' he said.

Prosecutors call Mr. Royer ''an inveterate liar'' in court papers in another case, asserting that he has given contradictory accounts of the meeting after Sept. 11. Mr. Royer says he has been truthful.

Whatever the facts, he is paying the price. His 20-year sentence was the statutory minimum under a 2004 plea deal he reluctantly took, fearing that a trial might end in a life term. His wife divorced him and remarried; he has seen his four young children only through glass since 2006, when the Bureau of Prisons moved him to a restrictive new unit in Indiana for inmates with the terrorism label. After an altercation with another inmate who he said was bullying others, he was moved in 2010 to the Supermax in Colorado.

He is barred from using e-mail and permitted only three 15-minute phone calls a month—recently increased from two, a move that Mr. Royer hopes may portend his being moved to a prison closer to his children. His letters are reflective, sometimes self-critical, frequently dropping allusions to his omnivorous reading. His flirtation with violent Islam and his incarceration, he says, have not poisoned him against his own country.

''You asked what I think of the U.S.; that is an extraordinarily complex question,'' Mr. Royer wrote in one letter consisting of 27 pages of neat handwriting. ''I can say I was born in Missouri, I love that land and its people, I love the Mississippi, I love my family and my cousins, I love my Germanic ethnic heritage and people, I love the English language, I love the American people—my people.

He said he believed some American foreign policy positions had been ''needlessly antagonistic'' but added, ''Nothing the U.S. did justified the 9/11 attacks.''

Mr. Royer rejected the notion that the United States was at war with Islam. ''Conflict between the U.S. and Muslims is neither inevitable nor beneficial or in anyone's interest,'' he wrote. ''Actually, I suppose it is in the interest of fanatics on both sides, but their interests run counter to everyone else's.'' He added an erudite footnote: '''Les extrémités se touchent' (the extremes meet)—Blaise Pascal.''

He expressed frustration that the Bureau of Prisons appears to view him as an extremist, despite what he describes as his campaign against extremism in discussions with other inmates and prison sermons at Friday Prayer, ''which they surely have recordings of.''

''I have gotten into vehement debates, not to mention civil conversations, with other inmates from the day I was arrested until today, about the dangers and evils of extremism and terrorism,'' Mr. Royer wrote in a yearlong correspondence with a reporter. ''Can they not figure out who I am?''

A SCORCHED-EARTH APPROACH

In 2004, prosecutors believed they knew who Mr. Royer was: one of a group of young Virginians under the influence of a radical cleric, Ali al-Timimi, whose members played paintball to practice for jihad and were on a path toward extremist violence. After Sept. 11, federal prosecutors took a scorched-earth approach to any crime with even a hint of a terrorism connection, and judges and juries went along.

In the Virginia jihad case, for instance, prosecutors used the Neutrality Act, a little-used law dating to 1794 that prohibits Americans from fighting against a nation at peace with the United States. Prosecutors combined that law with weapons statutes that impose a mandatory minimum sentence in a strategy to get the longest prison terms, with breaks for some defendants who cooperated, said Paul J. McNulty, then the United States attorney overseeing the case.

''We were doing all we could to prevent the next attack,'' Mr. McNulty said.

''It was a deterrence strategy and a show of strength,'' said Karen J. Greenberg, a law professor at Fordham University who has overseen the most thorough independent analysis of terrorism prosecutions. ''The attitude of the government was: Every step you take toward terrorism, no matter how small, will be punished severely.''

About 40 percent of terrorism cases since the Sept. 11 attacks have relied on informants, by the count of the Center on Law and Security at New York University, which Ms. Greenberg headed until earlier this year. In such cases, the F.B.I. has trolled for radicals and then tested whether they were willing to plot mayhem—again, a preemptive strategy intended to ferret out potential terrorists. But in some cases prosecutors have been accused of overreaching.

Yassin M. Aref, for instance, was a Kurdish immigrant from Iraq and the imam of an Albany mosque when he agreed to serve as witness to a loan between an acquaintance and another man, actually an informant posing as a supporter of a Pakistani terrorist group, Jaish-e-Muhammad. The ostensible purpose of the loan was to buy a missile to kill the Pakistani ambassador to the United Nations. Mr. Aref's involvement was peripheral—but he was convicted of conspiring to aid a terrorist group and got a 15-year sentence.

That was a typical punishment, according to the Center on Law and Security, which has studied the issue. Of 204 people charged with what it calls serious jihadist crimes since the Sept. 11 attacks, 87 percent were convicted and got an average sentence of 14 years, according to a September report from the center.

Federal officials say the government's zero-tolerance approach to any conduct touching on terrorism is an important reason there has been no repeat of Sept. 11. Lengthy sentences for marginal offenders have been criticized by some rights advocates as deeply unfair—but they have sent an unmistakable message to young men drawn to the rhetoric of violent jihad.

The strategy has also sent scores of Muslim men to federal prisons.

SPECIAL UNITS

After news reports in 2006 that three men imprisoned in the 1993 World Trade Center bombing had sent letters to a Spanish terrorist cell, the Bureau of Prisons created two special wards, called Communication Management Units, or C.M.U.'s. The units, which opened at federal prisons in Terre Haute, Ind., in 2006 and Marion, Ill., in 2008, have set off litigation and controversy, chiefly because critics say they impose especially restrictive rules on Muslim inmates, who are in the majority.

The C.M.U.'s? You mean the Muslim Management Units?'' said Ibrahim Hooper, a spokesman for the Council on American-Islamic Relations.

The units currently hold about 80 inmates. The rules for visitors—who are allowed no physical contact with inmates—and the strict monitoring of mail, e-mail and phone calls are intended both to prevent inmates from radicalizing others and to rule out plotting from behind bars.

A Bureau of Prisons spokeswoman, Traci L. Billingsley, said in an e-mail that the units were not created for any religious group but were ''necessary to ensure the safety, security and orderly operation of correctional facilities, and protection of the public.''

An unintended consequence of creating the C.M.U.'s is a continuing conflict between Muslim inmates and guards, mainly over the inmates' demand for collective prayer beyond the authorized hourlong group prayer on Fridays. The clash is described in hundreds of pages of court filings in a lawsuit. In one affidavit, a prison official in Terre Haute describes ''signs of radicalization'' in the unit, saying one inmate's language showed ''defiance to authority, and a sense of being incarcerated because of Islam.''

One 2010 written protest obtained by The New York Times, listing grievances ranging from the no-contact visiting rules to guards ''mocking, disrespecting and disrupting'' Friday Prayer, was signed by 17 Muslim prisoners in the Terre Haute Communication Management Unit. They included members of the so-called Virginia jihad case of which Mr. Royer was part; the Lackawanna Six, Buffalo-area Yemeni Americans who traveled to a Qaeda camp in Afghanistan; Kevin James, who formed a radical Muslim group in prison and plotted to attack military facilities in Los Angeles; and John Walker Lindh, the so-called American Taliban.

An affidavit signed by Mr. Lindh, who is serving 20 years after admitting to fighting for the Taliban, complained that a correctional officer greeted male Muslim inmates with ''Good morning, ladies.'' (''No ladies were in the area,'' Mr. Lindh writes.) Prison officials say in court papers that Mr. Lindh has repeatedly challenged guards and violated rules.

Unlike those at the Supermax, inmates in the segregated units have access to e-mail, and some were willing to answer questions. Mr. Lindh, whose father, Frank Lindh, said his son believed the news media falsely labeled him a terrorist, was not. In reply to a reporter's letter requesting an interview, he sent only a photocopy of the sole of a tennis shoe. Since shoe bottoms are considered offensive in many cultures, his answer appeared to be an emphatic no.

There is some evidence that the Bureau of Prisons has assigned Muslims with no clear terrorist connection to the C.M.U.'s. Avon Twitty, a Muslim who spent 27 years in prison for a 1982 street murder, was sent to the Terre Haute unit in 2007. When he challenged the assignment, he was told in writing that he was a ''member of an international terrorist organization,'' though no organization was named and there appears to be no public evidence for the assertion.

Mr. Twitty, working for a home improvement company and teaching at a Washington mosque since his release in January, said he believed the real reason was to quash his complaints about what he believed were miscalculations of time off for good behavior for numerous inmates. ''They had to shut me up,'' he said.

Another former inmate at the Marion C.M.U., Andy Stepanian, an animal rights activist, said a guard once told him he was ''a balancer''—a non-Muslim placed in the unit to rebut claims of religious bias. Mr. Stepanian said the creation of the predominantly Muslim units could backfire, adding to the feeling that Islam is under attack.

''I think it's a fair assessment that these men will leave with a more intensified belief that the U.S. is at war with Islam,'' said Mr. Stepanian, 33, who now works for a Princeton publisher. ''The place reeked of it,'' he said, describing clashes over restrictions on prayer and some guards' hostility to Islam.

Yet Mr. Stepanian also said he found the ''family atmosphere'' and camaraderie of inmates at the unit a welcome change from the threatening tone of his previous medium-security prison, where he said prisoners without a gang to protect them were ''food for the sharks.'' When he arrived at the C.M.U., he said, he found on his bed a pair of shower slippers and a bag of non-animal-based food that Muslim inmates had collected after hearing a vegan was joining the unit.

He was wary. ''I thought they were trying to indoctrinate me,'' he said. ''They never tried.'' The consensus of the inmates, he said, ''was that 9/11 was not Islam.'' ''These guys were not lunatics,'' he said. ''They wanted to be back with their families.''

REFLECTION

It may be too early to judge recidivism for those imprisoned in terrorism cases after Sept. 11; those who are already out are mostly defendants whose crimes were less serious or who cooperated with the authorities. Justice Department officials and outside experts could identify only a handful of cases in which released inmates had been rearrested, a rate of relapse far below that for most federal inmates or for Guantánamo releases.

For example, Mohammed Mansour Jabarah, a Kuwaiti Canadian who plotted with Al Qaeda to attack American embassies in Singapore and Manila, pleaded guilty in 2002 and began to work as an F.B.I. informant. But F.B.I. agents soon discovered he was secretly plotting to kill them—and he was sentenced to life in prison.

Nearly all of these ex-convicts, however, lie low and steer clear of militancy, often under the watchful eye of family, mosque and community, lawyers and advocates say. A dozen former inmates declined to be interviewed, saying that to be associated publicly with a terrorism case could derail new jobs and lives. As for Mr. Royer, he is approaching only the midpoint of his 20-year sentence.

Did he get what he deserved? Chris Heffelfinger, a terrorism analyst and author of ''Radical Islam in America,'' did a detailed study of the Virginia jihad case, and concluded that Mr. Royer's sentence was perhaps double what his crime merited. But he said the prosecution was warranted and probably prevented at least some of the men Mr. Royer assisted from joining the Taliban.

''I think a strong law enforcement response to cases like this is appropriate nine times out of 10,'' Mr. Heffelfinger said. Mr. Royer himself, in his long presentencing letter to Judge Leonie M. Brinkema, said he understood why he had been arrested. ''I realize that the government has a legitimate interest in protecting the public from terrorism,'' he wrote, ''and that in this post-9/11 environment, it must take all reasonable precautions.''

Today, Mr. Royer's only battle is to serve out his sentence in a less restrictive prison nearer his children. In what he called in a letter ''a heroic sacrifice,'' his parents, Ray and Nancy Royer, moved from Missouri to Virginia to be close to their son's children, now aged 8 to 12.

''I found it necessary to be a surrogate father,'' said Ray Royer, 70, a commercial photographer by trade, in an interview at the retirement community outside Washington where he and his wife now live. When his son, who still goes by Randy in the family, converted to Islam at the age of 18, his parents did not object. Later, when he headed to Bosnia, they chalked it up to his active social conscience. ''Religion is a personal thing,'' the elder Mr. Royer said. ''He'd never been in trouble.''

Ray Royer was at his son's Virginia apartment in 2003 when the F.B.I. knocked at 5 a.m., put him in handcuffs and took him away. Now, years later, he alternates between defending his son and expressing dismay at what Randy got himself into.

''He did help his buddies get to L.E.T.,'' or Lashkar-e-Taiba, the Pakistani militant group later designated as a terrorist organization. ''He admitted to it. He should pay the price.'' Still, he added, ''maybe he deserved five years or so. Not 20.''

Ray Royer sat at his home computer one recent evening, looking through a folder called ''Randy Pics''—photographs tracing his son's life from childhood, to fatherhood, to prison.

''He loved his family,'' the father said of his son. ''Why would he put this cause ahead of his family? I still don't really know what happened. I'm still trying to figure it out.''

Mr. WHITEHOUSE. Mr. President, I rise today to highlight important provisions of the National Defense Authorization Act conference report that will counter the serious and growing problem of counterfeit goods entering the military supply chain.

Section 818 of the conference report, which includes these provisions, reflects the leadership of Chairman LEVIN and Ranking Member MCCAIN of the Senate Armed Services Committee. I applaud their work to keep counterfeit parts out of the military supply chain. As I have said before, our Nation asks a lot of our troops. In return, we must give them the best possible equipment to fulfill their vital missions and come home safely. We must ensure the proper performance of weapon systems, body armor, aircraft parts, and countless other mission-critical products. Section 818 goes a long way toward protecting our troops from the dangers of counterfeit parts and the decreased combat effectiveness they cause.

I am particularly glad that section 818 includes a provision I introduced to increase criminal penalties for trafficking in counterfeit military goods. That provision, introduced as the Combating Military Counterfeits Act of 2011, S. 1228, was reported without objection by the Senate Judiciary Committee. It was cosponsored by Senators GRAHAM, LEAHY, MCCAIN, COONS, KYL, BLUMENTHAL, HATCH, KLOBUCHAR, and SCHUMER. I was very grateful that Chairman LEVIN and Ranking Member

MCCAIN included it in their anticounterfeiting amendment to the NDAA, and I greatly appreciate their leadership in ensuring that the provision remained in the conference report. I would also particularly like to thank Chairman LAMAR SMITH of the House Judiciary Committee, who introduced comparable language in the House. It was a pleasure working with him on the language included in section 818(h). I am very grateful that he was able to clear the provision on the House side, thereby enabling its inclusion in the conference report.

Prosecutors will be able to employ section 818(h) to deter criminals from trafficking in military counterfeits. This will help protect our national security and the safety of our troops. The U.S. Sentencing Commission also has a role to play. It should update relevant sentencing guidelines to ensure that they reflect the seriousness of these reprehensible crimes. I would particularly note that the Obama administration has called for an increase of the minimum base offense level for trafficking in counterfeit military goods to 14. I trust that the Sentencing Commission will give this recommendation substantial weight when it reconsiders the guidelines in light of the changes section 818(h) makes to the Criminal Code. As the administration has explained, a minimum offense level of 14 for trafficking in counterfeit military products would mean that a first-time offender with no criminal history would face at least a 10- to 16-month guideline range without any other aggravated conduct, after taking into account a reduction for acceptance of responsibility. Such penalties should be the bare minimum for offenses that put our troops' safety at risk.

I also would like to highlight a second provision within section 818 of the conference report. Our colleagues on the Finance and Judiciary Committees have been working diligently to clarify that Customs and Border Protection agents can share sufficient information with trademark holders to ensure that counterfeit products are stopped at the border. Chairman LEAHY, for example, amended his PROTECT IP Act to that end. Section 818(g) includes comparable language, and I applaud the conferees for recognizing the importance of this provision. It reaffirms the executive branch's authority to share necessary information with rights holders without fear of violating the Trade Secrets Act. It thereby will enable Customs and Border Protection to fulfill its responsibility to stop military counterfeits at the border. Under this provision, they will be able to share the same photographs and samples they currently share but with the serial numbers and other identifying information shown, not redacted. This simple change in practice should be implemented immediately, without the delay of unnecessary regulatory processes. Now is the time to protect our troops from the risk of dangerous counterfeit military parts entering our fighter jets, weapons, ships, and countless other mission-critical products.

I am glad to have the opportunity to vote in favor of these important provisions. I look forward to the future reduction in the number of dangerous counterfeit military products that are currently putting our troops' safety at risk and reducing combat effectiveness.

Mr. KERRY. Mr. President, I am voting to pass the conference report for the National Defense Authorization Act for Fiscal Year 2012, NDAA.

This is not a perfect piece of legislation. But it contains important hard-fought provisions that I am unwilling to jeopardize or risk denying to the brave men and women defending our Nation, and their families. Specifically, this bill represents the year's last opportunity to pass a 1.6 percent across-the-board pay raise for our men and women in the military. The bill also includes a bipartisan provision Senator COLLINS and I have been working on for over a year to get passed: an effort to protect victims of sexual assault in the military. As a veteran, I have been deeply troubled by what Senator COLLINS and our colleague in the House, Representative TSONGAS, have heard about the alarming incidences of sexual assault in the military—which is why we worked so hard through this bill to strengthen support for sexual assault prevention, legal protection for victims of sexual assault, and assistance for victims.

There are, however, problems with this bill which still concern me. When the bill was on the floor, I fought for amendments that would have stripped troubling detainee provisions out of the bill entirely. I also voted for other amendments that would have significantly narrowed the scope of the detainee provisions. Unfortunately, notwithstanding my votes, those amendments were not adopted by the Senate. The conferees, with our urging, and with the President's veto threat, made some progress in improving that part of the bill. I commend the conferees for working to address concerns of mine and many other Senators, senior administration officials, and the public over the detention-related provisions in the NDAA. While the provisions in the conference report are an improvement over their counterparts in the bill that the Senate passed last week, we need to continue to examine detention law and policy to ensure that the treatment of detainees is consistent with our national security and with core American values.

The progress made in conference on the detention-related provisions is significant enough that I am comfortable voting for the bill, and the White House has lifted its veto threat. Specifically, the conference report includes several changes to the detainee provisions, including a new paragraph that clearly states that nothing in the bill ''shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency,'' provisions that give the President additional discretion over implementation, and a transfer of the waiver authority from the Secretary of Defense to the President. In its totality, these changes led the White House to state that the ''the language does not challenge or constrain the President's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the President's senior advisors will not recommend a veto.''

Given all this, as well as the fact that the detention-related provisions of the bill have been improved from a civil liberties perspective, and in light of the other urgent priorities contained in the overall bill, I am voting in favor of the conference report.

Mr. HARKIN. Mr. President, as a U.S. Senator, I have no greater responsibility than to work to ensure our Nation's security. In that regard, I believe our Armed Forces must have all the tools they need to keep our country safe. That is why I support the vast majority of the provisions in the National Defense Authorization Act.

The bill takes some small steps towards reining in runaway defense spending, which has nearly doubled in the past decade. This bill authorizes $26.6 billion less than requested at the beginning of the year, providing more than enough to defend our interests, while chipping away at the Pentagon's nonstop growth. It also lays the groundwork for reevaluating outdated Cold War-era overseas deployments in Europe and the Pacific that are both costly and increasingly unnecessary.

All of these provisions I support and believe are important. However, because I believe this bill infringes on critical constitutional values, I must oppose final passage. I believe we can do a better job of protecting our national security without compromising these important values.

This Nation has long been a beacon of liberty and a champion of rights throughout the world. Yet, since 9/11, in the name of security, we have repeatedly betrayed our highest principles. The past administration believed it could eavesdrop on Americans without a warrant or court order. It utilized interrogation techniques long considered immoral, ineffective, and illegal, regardless of laws and treaties. And, it intentionally sought to put detainees beyond the rule of law. Thankfully, the current administration has ended the worst abuses of these practices, despite the efforts of some of my colleagues to stymie these efforts.

However, I am deeply concerned that the conference report continues us on a dangerous path, which sacrifices long-held and durable principles at the altar of fear and short-term expediency.

To begin, this bill fails to make clear that under no circumstance can an American citizen be detained indefinitely without trial. I simply do not

believe that a person should be seized on American soil and indefinitely detained without charges and without due process of law.

Second, it mandates, for the first time, that non-American terrorist suspects arrested in the United States will be detained by the military rather than civilian law enforcement. Throughout our history, there has been a clear divide between our military—which fights wars abroad—and law enforcement in the United States, and that divide has worked. For example, since 9/11, over 400 terrorists have been successfully convicted in article III, not military, courts. For persons in this country, it is a dangerous precedent to not only authorize but actually require military custody.

Finally, the bill would make it much more difficult to close the detention center at Guantanamo Bay. There simply is no compelling reason to keep the facility open and not to bring these detainees to maximum security facilities within the United States. The detention center is a recruiting tool for those who wish to cause us harm and been a stain on our Nation's honor. I agree with former Secretary of State Colin Powell, who said that ''we have shaken the belief that the world had in America's justice system by keeping [the detention center at Guantanamo Bay] open. We don't need it and it's causing us far more damage than any good we get for it.''

In the immediate aftermath of 9/11, the administration declared a broad and open-ended ''war on terror.'' I have always considered this a flawed description of the challenge that confronted us after the 9/11 attacks. After all ''terror'' is an endlessly broad and vague term. And a ''war on terror'' is a war that can never end because terrorism and terrorists will always be with us. Because of the never-ending nature of this so-called war on terror, it offers a rationale for restricting civil liberties indefinitely. This is not healthy for our democracy or for our ability to inspire other countries to abide by democratic principles.

Mr. President, we will not overcome terrorism with secret prisons, with torture, with degrading treatment, with individuals denied basic rights; rather, we shall overcome it by staying true to our highest values and by insisting on legal safeguards that are the very basis of our system of government and freedom. Today is the 220th anniversary of the ratification of the Bill of Rights. The values embodied in that remarkable document have bound our Republic together for over 200 years and can bind us for 200 more if we hold them close.

Mr. LEAHY. Mr. President, the Senate today will pass the National Defense Authorization Act for the coming fiscal year. This vote is historic as Congress has enacted a national defense authorization act every year for the past half century. I commend the Senate for maintaining this steadfast support for our armed services, but this legislation will be remembered for reasons both bad and good. I regret the decision of the House and Senate conferees to include unnecessary and potentially harmful provisions related to the detention of terrorist suspects. However, I strongly support measures in the conference report that will empower the National Guard within the Department of Defense, enhance protections for military victims of sexual violence, increase transparency by limiting unnecessary exclusions from the Freedom of Information Act, improve mental health outreach to members of the National Guard and Reserves, and make many other changes to strengthen our national defense and take care of our men and women in uniform.

I continue to strongly oppose the detention related provisions in this conference report, which I believe are unwise and unnecessary. These provisions undermine our Nation's fundamental principles of due process and civil liberties and inject operational uncertainty into our counterterrorism efforts in a way that I believe harms our national security.

I strongly oppose section 1021 of this conference report, which statutorily authorizes indefinite detention. I am fundamentally opposed to indefinite detention and certainly when the detainee is a U.S. citizen held without charge. Indefinite detention contradicts the most basic principles of law that I subscribed to when I was a prosecutor, and it severely weakens our credibility when we criticize other governments for engaging in similar conduct.

Supporters of this measure will argue that this language simply codifies the status quo. That is not good enough. I am not satisfied with the status quo. Under no circumstances should the United States of America have a policy of indefinite detention. I fought against Bush administration policies that left us in the situation we face now, with indefinite detention being the de facto administration policy. And I strongly opposed President Obama's executive Order on detention when it was announced last March because it contemplated, if not outright endorsed, indefinite detention.

This is not a partisan issue for me. I have opposed indefinite detention no matter which party holds the keys to the jailhouse. I fought to preserve habeas corpus review for those detained at Guantanamo Bay because I believe that the United States must uphold the principles of due process and should only deprive a person of their liberty subject to judicial review.

Today, I joined Senator FEINSTEIN, Senator LEE, and others to introduce a bill titled the Due Process Guarantee Act. This bill will make clear that neither an authorization to use military force nor a declaration of war confer unfettered authority to the executive branch to hold Americans in indefinite detention. In the 2004 Supreme Court opinion in Hamdi v. Rumsfeld, Justice Sandra Day O'Connor stated unequivocally: ''We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.'' It is stunning to me that sponsors of the underlying Senate bill argued for the indefinite detention of U.S. citizens at Guantanamo Bay. We must make clear that our laws do not stand for such a proposition. We are a nation of laws, and we must adhere vigilantly to the principles of our Constitution. I urge all Senators to support this bipartisan effort to protect American values and cosponsor the Due Process Guarantee Act.

I am also deeply troubled by the mandatory military detention requirements included in section 1022 of this conference report. In the fight against al-Qaida and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need, not limit those tools. But limiting them is exactly what this conference report does. Secretary Panetta has stated unequivocally that ''[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.'' Requiring terrorism suspects to be held only in military custody and limiting the available options in the field is unwise and unnecessary.

Supporters of the conference report claim that concerns about the mandatory military detention section are ''red herrings.'' They claim that they have modified the legislation in ways that give the President the flexibility he needs to apply the provisions without impeding investigations or undermining operations in the field. The changes are totally inadequate. The Statement of Administration Position, SAP, calls the mandatory military detention section ''unnecessary, untested, and legally controversial.'' The SAP goes on to state that ''applying this military custody requirement to individuals inside the United States . . . would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets.''

Some supporters of the conference report also claim that the national security waiver provision is ''a mile wide'' and provides the administration with sufficient flexibility. The intelligence professionals who work every day to keep our Nation safe disagree. The Director of National Intelligence, James R. Clapper, wrote to Senator FEINSTEIN that the ''detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks.''

As chairman of the Judiciary Committee, I am particularly concerned

that this provision fails to acknowledge or appreciate the vital role that law enforcement and the courts play in our counterterrorism efforts. In light of the hundreds of successful prosecutions of terrorism defendants in Federal courts, why would we want to remove this option from the table? As Jeh Johnson, the Pentagon's top lawyer, said recently, the Federal courts are ''well equipped to handle the prosecution of dangerous domestic and international terrorists,'' and ''the military is not the only answer.'' I could not agree more.

The implementation procedures required in the legislation are simply not enough to alleviate the potential for problems in the field. As Secretary Panetta stated in his recent letter to Senator LEVIN, this provision may ''needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.'' No one in the military, intelligence community, or law enforcement has asked for this provision, and rather than strengthening our national security, it makes us less safe.

During floor debate over the Senate bill, FBI Director Mueller wrote that the mandatory military provision would adversely affect the Bureau's ability to conduct counterterrorism investigations and inject ''a substantial element of uncertainty'' into its operations. He argued that the provision fails to take into account ''the reality of a counterterrorism investigation.'' The conference report modified the mandatory military detention section to preserve the existing law enforcement and national security authorities of the FBI, but the effect of that new language remains unclear. At our Judiciary Committee hearing on December 14, the FBI Director stated that the modified text ''does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case.'' The FBI Director is particularly concerned with how the legislation will affect the Bureau's ability to gain the cooperation of suspects. The FBI has a long and successful track record in the cultivation and use of cooperating witnesses. But as Director Muller stated, ''The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.'' I cannot understand why the authors of this conference continue to insist upon language that will undermine the FBI in its use of this critical counterterrorism authority.

The language in the detention subtitle of this conference report is the product of a process that has lacked transparency from the start. These measures directly affect law enforcement, detention, and terrorism matters that have traditionally been subject to the jurisdiction of the Senate Judiciary Committee and the Senate Select Committee on Intelligence, but neither committee was consulted about these provisions in July when the legislation was first considered by the Armed Services Committee, nor was either committee consulted earlier this month when it was modified. I also can see no reason why these provisions were rushed through the committee without the input of the Defense Department and Federal intelligence and law enforcement agencies that will be directly affected if this language is enacted. On issues of such national significance, the American people deserve an open and transparent process.

Supporters of the detention provisions in the conference report continue to argue that such measures are needed because, they claim, ''we are a nation at war.'' That does not mean that we should be a nation without laws or a nation that does not adhere to the principles of our Constitution. We should prosecute those who commit crimes and terrorist acts and sentence them to long terms in prison. The Department of Justice has prosecuted more than 440 terrorists since September 11, 2001. We have a very strong record and nothing to fear from choosing a course that upholds American values and the rule of law. That is why I also oppose some of onerous funding and certification restrictions that make it virtually impossible to transfer individuals out of Guantanamo or to prosecute individuals detained there in Federal courts.

I also strongly oppose section 1029 of the conference report, which requires the Attorney General to consult with the Director of National Intelligence and Secretary of Defense before seeking an indictment of certain terrorism suspects. This provision was not considered or debated by the Senate and certainly not by the Senate Judiciary Committee, which I chair. I oppose this provision because it needlessly undermines the authority of the Attorney General and is an unprecedented infringement on the prosecutorial independence of the Department of Justice.

Regrettably, the detention language in this conference report remains fundamentally flawed. The detainee provisions will codify a practice of indefinite detention that has no place in the justice system of any democracy. They will cause further damage to our reputation as a nation that respects the fundamental right of due process, harm the efforts of intelligence and law enforcement officials in the field, and may limit their ability to track down terrorists and bring them to justice. My support for the Defense bill should not be construed as support for its detention provisions, which I oppose in the strongest possible terms.

Instead, my support for the bill reflects the inclusion of the National Guard Empowerment Act, a bill I drafted with Senator LINDSEY GRAHAM, as an amendment to its underlying text. The Guard empowerment provisions have been understandably overshadowed by the debate on other, more contentious provisions in the bill, but I nevertheless believe that these provisions will set the stage for dramatic changes to our military force structure in the years to come.

Beginning in May, a new national security consensus quietly formed in Congress around an issue at the core of our national security. Seventy-one senators from both parties steadily added their support to S. 1025, the bill that Senator GRAHAM and I called Guard Empowerment II. The provisions of our bill built upon the first Guard empowerment bill that I introduced with Senator Kit Bond of Missouri. That measure became law in 2008 and elevated the Chief of the National Guard Bureau to the rank of four-star general. This year's bill had as its headlining provision an effort to make the Chief a statutory member of the Joint Chiefs of Staff. Despite the vociferous opposition of Active component generals in the Pentagon—including all six sitting Joint Chiefs of Staff—a bipartisan congressional consensus formed around S. 1025 and Guard empowerment. I was pleased that the Senate included its provisions in our version of the National Defense Authorization Act late last month and that the conferees retained a majority of those provisions in the conference report.

The new consensus on the National Guard comes as the budget debates of this Congress have fractured the Cold War national security consensus of the last half century. While those fractures were an inevitable outcome of the end of the Soviet empire, what will replace the Cold War consensus remains unclear. Some Members of Congress argue for diplomatic and military retrenchment from every corner of the globe back to Fortress America. Others believe that we must expand, not shrink, our international footprint. Yet nearly everyone agrees that budgetary factors must mean a change in the way the Pentagon does business—and that change cannot wait.

The seeds of that change were sown a decade ago. In the days and weeks following 9/11, the former ''strategic reserve'' became, of necessity, fully operational. The National Guard and Reserve components, once a Cold War failsafe, were called into regular rotation in the wars in Iraq and Afghanistan. Our country simply could not field the forces we needed without calling on the Guard and Reserve. Simultaneously, America experienced domestic disasters on an unprecedented scale. In each situation, the President called on the National Guard as the military first responders to help citizens in need. Today, the metamorphosis from a strategic reserve to an operational reserve is complete.

Yet entrenched bureaucratic interests still resist what most Americans now accept as an accomplished fact. The Joint Chiefs fought our efforts to bring the Chief of the Guard Bureau into the ''Tank'' not because they misunderstand the value of the Guard and

Reserve, but precisely because they fear that value proposition may threaten the size and budget of their Active components in the years to come.

Nevertheless the Active component must shrink, both as a consequence of our current budgetary reality and to reflect the constitutional vision the Framers had of a small standing Army augmented by a larger cadre of citizen soldiers. Simultaneously, the Guard and Reserve must grow so that those cuts to the Active force can be quickly and easily reversed if the circumstances demand it. Just a year ago, no one predicted our operations to oust Muammar Qadhafi. In a world where military needs change day by day, we must not hollow out the force. To avoid that outcome in a period of austere budgets, we must depend more and more on the National Guard and Reserve.

To that end, the conferees included section 512 in this Defense bill which adds the Chief of the National Guard Bureau to the Joint Chiefs of Staff. It also reinforces the duties and responsibilities of the Chief as listed in 10 U.S.C. § 10502 in accordance with the listing of responsibilities of the Chief already in that section. This provision is historic and will dramatically improve the advice that the President and Secretary of Defense receive on matters of national security and the defense budget.

Section 511, ''Leadership of the National Guard Bureau,'' reestablishes the Vice Chief of the National Guard Bureau as a lieutenant general and excludes the positions of the Chief and the Vice Chief of the National Guard Bureau from limitations on the number of general and flag officers in the Department of Defense. Reinstating the Deputy position at the National Guard Bureau will give the Chief flexibility at a time when he sorely needs it and providing a third star for the position will give it more institutional clout.

Section 515 implements the outcomes of a negotiation between the Council of Governors and the Department of Defense by authorizing the President to order the Federal Reserve component to Active Duty to provide assistance in response to a major disaster or emergency. In addition to authorizing a Reserve forces callup for domestic disasters and emergencies, it codifies the dual-status title 10 and title 32 commander as the usual and customary command relationship for military operations inside the United States, a key victory for Federal-State integration of military command and control.

Section 518, ''Consideration of Reserve Component Officers for Appointment to Certain Command Positions,'' is a modified version of a provision of S. 1025 which would have reserved the positions of commander, Army North, and commander, Air Force North, for National Guard officers with an emphasis on the consideration of current and former adjutants general. Instead, the section requires that Guard and Reserve officers be considered for these positions whenever they are vacant.

Section 1085, ''Use of State Partnership Program Funds for Certain Purposes,'' includes a limited authorization of the State Partnership Program which is the major vehicle for the National Guard of the States to participate in international security assistance and capacity building missions at the request of the State Department chief of mission and geographic combatant commander.

Last but certainly not least, section 1080A, ''Report on Costs of Units of the Reserve Components and the Active Components of the Armed Forces,'' institutes the ''similar unit'' cost report proposed by S. 1025 with some added detail and while retaining the Comptroller General evaluation of the Department's report. That last requirement is important to keep the Department of Defense honest in its assumptions and analysis leading to conclusions about the relative cost of Active and Reserve units.

The Reserve component cost report will undergird efforts by the Senate National Guard Caucus in the years to come. While it has long been common knowledge that the National Guard and Reserves are cheaper to maintain in dwell than Active-Duty Forces, the report will prove that colloquial wisdom and bolster the arguments of the Congress in a future push to reduce the size of the Active component as we draw down from Iraq and Afghanistan while growing the size of the Reserve components.

I am also pleased that the conferees included my language to narrow the Freedom of Information Act, FOIA, exemption in the bill for Department of Defense critical infrastructure security information. This improvement adds a public interest balancing test requiring that the Secretary of Defense consider whether the public interest in the disclosure of this information outweighs the government's need to withhold the information when evaluating FOIA requests. The addition of this measure to the National Defense Authorization Act will help ensure that FOIA remains a viable tool for access to Department of Defense information that impacts the health and safety of the American public.

As I said at the outset, this National Defense Authorization Act will be remembered both for changing our process of detaining and prosecuting suspected terrorists and for empowering the National Guard. I continue to oppose the changes the act will make to our counterterrorism legal regime. But I nevertheless support how the act will improve the sourcing and fielding of military forces in the years to come. I will look to fix the former and further improve the latter in future legislation.

Mr. COONS. Mr. President, today I rise to express my deep concern that the 2012 National Department of Defense Authorization Act provisions pertaining to detainee treatment fail to strike the appropriate, important balance between national security, due process, and civil liberties. Sections 1021, 1022, and 1023 are the latest in a series of legislative proposals that provide ever-narrowing latitude for dealing with terrorism suspects, whether in the U.S. or abroad.

I am concerned, that these provisions take us one small, but significant, step down the road towards a state in which ordinary citizens live in fear of the military, rather than the free society that has marked this great nation since the Bill of Rights was ratified 220 years ago, in 1791.

The new detention authorities thrust upon our military in this bill are an assault on our civil liberties and do not belong on our books. They were not requested by the Pentagon, in fact they have been resisted by the President, the Secretary of Defense, the Attorney General, and the directors of National Intelligence and the FBI. They do not make us safer and, to the contrary, they will create dangerous confusion within our national security community.

Under these sections, a terrorism suspect must be remanded to U.S. military custody, even when that suspect presents no imminent threat to public safety and is being held under suspicion of committing a U.S. crime. The suspect may be held indefinitely. Indeed, if the suspect is transferred to Guantanamo, it may be a practical reality that the suspect must be held indefinitely, thanks to the onerous certification requirements contained in Section 1023. If not sent to Guantanamo, the suspect may be rendered to a foreign power, where he may be subject to coercive interrogation, torture, or death. Or, the individual may simply remain in custody of our own military, waiting for the cessation of an endless conflict against an idea.

As my colleagues from Vermont and Oregon, from Colorado and California, have already said so eloquently, these provisions reflect an unfortunate and unwise shift away from the current law, in which the criminal justice system is presumed to be sufficient for those who commit crimes on U.S. soil. No system is perfect, but the federal criminal justice system is considered by many around the world to be the gold standard for fairness, transparency and reliability. Since 9/11, the civilian criminal process has been successful in securing convictions and lengthy sentences against hundreds of terrorism suspects.

This is compared to just six convictions in military tribunals, and two of these individuals are walking free today. A third, Ibrahim al Qosi, was convicted of being a Taliban fighter. Under his sentence of 2 years, he would be due to be released next summer. But when he serves his sentence, he likely will not be released. Instead, he will be detained until our undefined hostilities against Islamic extremism and terrorism conclude. In other words, he

will be detained indefinitely. Criminal process like this is little better than no process at all. It ought to be reserved for the rarest cases where the civilian criminal justice system is not suitable. It should not be made the new standard.

If we are going to short-circuit the criminal justice system, we ought to at least have good reason to do so. At a minimum, I would expect the President, the Attorney General, the Secretary of Defense, or the Director of National Intelligence to make the case that military custody is the only way to appropriately handle terrorists. But that is not what happened here. No one is calling for these new powers. They are being thrust upon our military.

President Obama has said that these provisions will hinder his ability to prosecute the campaign against terrorists. The Attorney General and the Director of National Intelligence have said that these provisions threaten to undermine the collection of intelligence from suspected terrorists.

They don't want these authorities.

The military does not want them either. The Secretary of Defense has said that the provisions will unnecessarily complicate its core mission of protecting our nation and projecting military force abroad. These provisions do not make sense as a matter of defense policy, and, because the meaning of some of the key terms is deliberately unclear, we can not even predict the precise impact that they will have.

In the best-case scenario, we will end up in a situation with minor changes to an existing detainee policy that has already proven to inspire and sustain this and the next generation of extremists who wish to destroy this country. In the worst-case scenario, we make several significant changes that hinder our ability to find and destroy this current generation of extremists.

I do not accept the underlying assumption of these unnecessary new provisions that the threat the United States faces is one that can be defended by more guns, taller walls, and deeper holes that we ''disappear'' people into. In fact, defense from the threats of today and tomorrow called ''asymmetric'' because they do not attempt to meet us on the battlefield with equal capabilities requires a new paradigm, the concept of defense in depth. To address asymmetric threats, including networks of extremists determined to carry out acts of terrorism, law enforcement and the Defense Department must work cooperatively to protect U.S. interests using their respective strengths in authorities and levels of response.

Instead of strengthening our ability to confront asymmetric threats, these unwelcome new authorities reinforce the philosophy that the military is the only preeminent institution of national security, with law enforcement relegated to a limited support role. That may have been an appropriate philosophy for the world in 1961, but it did not help us in 2001, and will not help us in 2021. These new authorities do nothing to change that and will not make us any safer. The only effective comprehensive model for national security is one that strengthens both our law enforcement and military to fight threats within their respective areas of expertise.

Another deeply concerning aspect of the detainee provisions in the Defense Authorization bill is what they say about the ability of the military to detain U.S. citizens. Section 1021 expands the 2001 Authorization of the Use of Military Force to include the authority to detain and hold indefinitely any person, even a U.S. citizen, if the military suspects that such a person has supported any force associated with al-Qaeda.

While I believe it acceptable for lethal military actions to be taken against U.S. citizens abroad who have clearly taken up arms against this Nation, I am concerned about the slow but steady creep of the military into areas that traditionally have been reserved for civilian law enforcement. Testifying yesterday before the Judiciary Committee, FBI Director Robert Mueller said he has serious concerns about the potential future ramifications of introducing military forces into the criminal justice process.

At the local level, it is often difficult to distinguish whether an individual in possession of bomb-making components is a hardened terrorist coordinating with al-Qaeda; is a troubled, dangerous, but affiliated teenager; or is completely innocent of any crime at all. In the rush to ''repel borders'' at the early stages of investigations, mistakes will be made. We need to make sure that these mistakes do not overrun the constitutional protections we all enjoy as Americans.

It is true, as supporters of these provisions have argued, that Section 1021 contains a limitation that the authorization of force does not include the right to hold citizens in violations of their constitutional rights. That is some comfort, but not enough. As I sat in the presiding chair during debate over this bill, I heard my colleagues argue that we are in a time of war and that, during times of war, U.S. citizens have no constitutional protections against being treated as a prisoner of war. Even if there was broad agreement about the constitutional protections citizens enjoy against extrajudicial killing or indefinite detention, who will enforce them? Under this bill, that task would seem to be left to the President and to the military. Were my life or liberty at stake, I would want the benefit of an independent judiciary. So, too, I think would the vast majority of my fellow citizens.

Mr. President, we are in conflict against terrorists. I do not doubt or dispute that. But this is not the first time that has been the case. During the beginning part of the last century, anarchists committed a string of bombings, usually targeting police officers or civilians. In 1901, an anarchist assassinated President McKinley. In the First Red Scare during the early part of the century, a plot was uncovered to bomb 36 leaders of government and industry. During the 1960s and 70s, the Weather Underground declared as its mission to overthrow the U.S. government. Members planted bombs in the Capitol, the Department of State and the Pentagon.

Each of these threats, and others, has before placed an existential fear in the minds of Americans. We have not always acted well. The Sedition Act of 1918, the internment of Japanese Americans during the Second World War, and the House Un-American Activities Committee and Hollywood blacklisting following the war are three notable examples of action, taken in the face of severe threat, which now the vast majority of Americans look back upon with deep regret.

As technology has advanced, so has the ability of the government to reach into our lives, whether through unseen drones and hidden electronic surveillance, omnipresent cameras and advanced facial recognition programs, or unfettered access to our telephone and Internet records.

The advance of technology, however, is not justification for the retreat of liberty, especially not when we have at our disposal a criminal justice system that is up to the task of keeping us safe.

I plan to vote for the Conference Report of the National Defense Authorization Act because I agree with much of what is within it. During a time of war, we cannot allow our military to go unauthorized. We cannot allow our troops to go unpaid. The NDAA provides oversight of and spending limitations for the military. It elevates the head of the National Guard to the Joint Chiefs level, which is necessary to ensure that military leadership adequately considers the unique reserve capacity role now filled by the Guard. The bill will also begin to address the inability of Customs and Border Patrol agents to share information necessary to identify military and other counterfeits at our borders.

Though we were not able to remove the dangerous and counterproductive provisions contained in Sections 1021, 1022 and 1023 from the NDAA today, we are not done trying. I will continue to work with my colleagues to ensure that we maintain the balance between security and liberty.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the time for debate on the conference report to accompany H.R. 1540 be extended until 4 p.m., with all other provisions of the previous order remaining in effect; further, that at 4 p.m., the Senate proceed to a vote on the adoption of the conference report; that upon the disposition of the conference report and H.

Con. Res. 92, the Senate resume executive session and the consideration of the Christen nomination, as provided under the previous order.

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

Mr. DURBIN. Mr. President, with this agreement, there will be two votes at 4 p.m. The first will be on the adoption of the Defense authorization conference report and the second vote on the confirmation of the nomination of Morgan Christen to be U.S. Circuit Judge for the Ninth Circuit.

Mr. President, I rise today to discuss the National Defense Authorization Act conference report now pending before the Senate.

I thank my colleague from Colorado, Senator UDALL, as well as my colleague from California, Senator FEINSTEIN, for engaging in a spirited and important—perhaps historic—debate during the consideration of this authorization bill on the floor of the Senate. I especially thank Senator FEINSTEIN. It was a pleasure to work with her to insert language which I think moved us closer to a position she and I both share concerning the language in this important bill.

I have the highest respect for the chairman and the ranking member of this committee, Senators LEVIN and MCCAIN, who have worked diligently and hard on a bill which has become a hallmark of congressional activity each and every year, particularly in the Senate. It takes a special effort for them to produce an authorization bill of this complexity and challenge. They do it without fail and they do it in a bipartisan fashion.

For those critics of Congress—and there are many—who look at this bill, you can see the best of the Senate in terms of the effort and the professionalism these two gentlemen apply, along with the entire committee, in bringing this bill to the floor.

This bill does a number of good things for our troops and for my home State of Illinois, and I am thankful to the chairman and the ranking member for those provisions. There is important language about public-private partnerships regarding the U.S. Army that will have special value at the Rock Island Arsenal, where some of the most dedicated and competent civilian individuals continue to serve this country's national security, meeting the highest levels of standards and conduct and performance. They will have a chance to continue to do that work, and it is important they continue to have that chance in this weak economy when so many people are struggling to find jobs.

The legislation provides the Chief of the National Guard with an equal seat at the table with the Joint Chiefs of Staff to ensure the needs of our brave Army and Air National Guard personnel are heard at the highest levels. It makes it easier for reserve units to access mental health services by providing that access during drill weekends. It also provides our men and women in uniform with a much deserved pay increase, which is imperative in light of their heroic service and the state of our economy today.

I must say, though, there are provisions within this bill which still concern me relative to the treatment and detention of terrorism suspects.

First, we need to agree on the starting point, and the starting point should be clear on both sides of the aisle. There are those who threaten the United States, those who would use terrorist tactics to kill innocent people, as they did on 9/11. We are fortunate, through the good leadership of President George W. Bush and President Obama, that we have been spared another attack since 9/11, but vigilance is required if we are to continue to keep this country safe. That is a bipartisan mission. It is shared by every Member of Congress, regardless of their political affiliation.

We salute the men and women in uniform, first, for all the work and bravery they have put into that effort, but quickly behind them we will add so many others in our law enforcement community; for example, those individuals at every level—Federal, State and local—who are engaged in keeping America safe. We salute the executive branch in its entirety, including the Department of Homeland Security, the White House, the National Security Advisors, and all of those who have made this a successful effort.

The obvious question we have to ask ourselves is this: If for 10 years we have been safe as a nation, why is this bill changing the way we detain and treat terrorism suspects?

I will tell you there has been an ongoing effort by several members of this committee and Senate to change the basic approach to dealing with terrorism, to create a presumption that terrorist suspects would be treated first subject to military detention and their cases then considered before military tribunals.

This, in and of itself, is not a bad idea. It could be right, under certain circumstances, but it does raise a question: If to this point in time we have been able to keep America safe using the Department of Justice, law enforcement, and the courts of our land, together with military tribunals, why are we changing?

The record is pretty clear. Since 9/11, more than 400 terrorism suspects have been successfully prosecuted in the courts of America. These are individuals who have been subjected to FBI investigation, they have been read their Miranda rights, they have been tried in our courts in the same manner as those accused of crimes are tried every single day, and they have been found guilty—400 of them—during the same interval that 6—6—have been tried by military tribunals.

Overwhelmingly, our criminal court system has been successful in keeping America safe, but that is not good enough for many Members of the Senate. They are still bound and determined to push more of them into the military tribunal system for no good reason. These people who have been tried successfully when accused of terrorism have been safely incarcerated in the Federal penitentiaries across America, including in my home State of Illinois at the Marion Federal Prison. Not one suggestion has been made that the communities surrounding these prisons nor the prisoners themselves are under any threat. What we have instead is this presumption that isn't borne by the facts or by our experience.

I voted for the Senate version of this bill with the hope that the Members of the Senate and House who were negotiating the final bill would remove some of the detainee provisions that concern me. I want to acknowledge that the conference committee did make some positive changes. But I continue to have serious concerns because provisions in the bill would limit the flexibility of any President in combatting terrorism, create uncertainty for law enforcement, intelligence, and defense officials regarding how they handle suspected terrorists, and raise serious constitutional concerns.

I am especially concerned about section 1022 in the conference report. This provision would, for the first time in American history, require our military to take custody of certain terrorism suspects in the United States. Our most senior defense and intelligence officials have raised serious concerns about this provision. FBI Director Robert Mueller strongly objects to the military custody requirement. For those who need reminding, Robert Mueller served as a Federal judge in California and was appointed to this position as head of the FBI by Republican President George W. Bush. He has been retained in that office by Democratic President Barack Obama. I believe he is a consummate professional who has dedicated his life, at least in the last 10 years-plus, to keeping America safe. I trust his judgment. I respect his integrity.

In a letter to the Senate, Director Mueller says the bill will ''inhibit our ability to convince covered arrestees to cooperate immediately, and provide criminal intelligence.''

He was asked after the conference report whether the changes absolved any of his concerns, and he said he was still concerned. I will go to that in a moment. Director Mueller concluded that the provision I am raising ''introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States.''

Considering the source of this concern, the Director of the Federal Bureau of Investigation who has been responsible ultimately for the successful prosecution of 400 suspected terrorists, we should take his concerns to heart.

The Justice Department, which then prosecutes terrorism suspects, shares

Director Mueller's concerns. Here is what they said:

Rather than provide new tools and flexibility for FBI operators and our intelligence professionals, this legislation creates new procedures and paperwork for FBI agents, intelligence lawyers and counter-terrorism prosecutors who have conducted hundreds of successful terrorism investigations and prevented numerous attacks inside this country over the past decade.

The supporters of this legislation have responded to these concerns by pointing to the fact that the bill allows the Secretary of Defense to waive the military custody requirement. But the Justice Department says the administrative burdens of obtaining a waiver could hinder ongoing counterterrorism operations. Here is how they explained it:

While the legislation proposes a waiver in certain circumstances to address these concerns, this proposal inserts confusion and bureaucracy when FBI agents and counter-terrorism prosecutors are making split-second decisions. In a rapidly developing situation—like that involving Najibullah Zazi traveling to New York in September 2009 to bomb the subway system—they need to be completely focused on incapacitating the terrorist suspect and gathering critical intelligence about his plans.

The authors of this legislation say they made changes to the military custody requirement to respond to these concerns raised by Director Mueller and the Department of Justice. But in my view, these changes don't go nearly far enough. They continue to create uncertainty and impose administrative burdens on our counterterrorism professionals whom we depend on to keep us safe.

The changes in the legislation do not change the fundamental premise. They create a presumption that a terrorism suspect arrested in the United States should be transferred to military custody, despite the fact—despite the fact—that the Federal Bureau of Investigation has kept America safe since 9/11.

I am not alone in my feelings. This morning, an editorial in the Washington Post said:

[These provisions]—while less extreme—are still unnecessary and unwise. . . . [L]awmakers have . . . introduced confusion in the form of directives that threaten to bollix up law enforcement and military personnel when they most need to be decisive.

Why in the world would we create uncertainty and bureaucracy when, with every second that ticks away, American lives can be in danger?

Just yesterday in the Senate Judiciary Committee, FBI Director Robert Mueller testified he is still deeply concerned about section 1022, despite the changes made in this conference report. Here is what Director Mueller said:

Given the statute the way it is now, it does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case. The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.

That, in and of itself, should give pause to every member of the Senate. When we consider this objection from the Director of the Federal Bureau of Investigation, the lead official charged with combatting terrorism in the United States, shouldn't we take Director Mueller's concerns to heart? Do we want the FBI to have uncertainty the next time they stop and detain a suspected terrorist in the United States?

I want to address another provision, section 1021. I was very concerned that the original version of the legislation would, for the first time in history, authorize indefinite detention in the United States. But we have agreed, on a bipartisan basis, to include language in the bill offered by Senator FEINSTEIN that makes it clear this bill does not change existing detention authority in any way. What it means is, the Supreme Court will make the decision who can and cannot be detained indefinitely without trial, not the Senate.

I believe the Constitution does not authorize indefinite detention in the United States. Some of my colleagues see it differently. They claim the Hamdi decision upheld indefinite detention. It didn't. Hamdi was captured in Afghanistan, not in the United States. Justice O'Connor, the author of the opinion, carefully stated the Hamdi decision was limited to ''individuals who fought against the United States in Afghanistan as part of the Taliban.''

Some of my colleagues also cited the Padilla case, claiming it is a precedent for the indefinite detention of U.S. citizens captured in the United States. But look at what happened in the Padilla case. Padilla is a U.S. citizen who was placed in U.S. custody. The Fourth Circuit Court of Appeals, one of the most conservative in the land, upheld his military detention. But then, before the Supreme Court had the chance to review the Fourth Circuit's decision, George W. Bush's administration transferred him out of military custody, prosecuting him in an article III criminal court. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States. That decision must be decided by the Supreme Court, not by the Senate, thanks to the Feinstein amendment.

I support the inclusion of the Feinstein amendment in this bill. I continue to believe there is no need for this provision overall and that it should have been removed.

I also continue to oppose provisions in the conference report that limit the administration's ability to close the Guantanamo Bay detention facility. Section 1027 of this legislation provides that no detainee held at Guantanamo can be transferred to the United States even for the purpose of holding him incarcerated for the rest of his life in a Federal supermaximum security facility.

There is absolutely no reason for this prohibition. Section 1026 of this legislation provides clearly that the government may not construct or modify any facility in the United States for the purpose of holding a Guantanamo Bay detainee.

Let me bring this closer to home. We have offered for sale in the State of Illinois a prison built by our State that has not been used or opened in its entirety. The Federal Bureau of Prisons has stated they are interested in purchasing it because of the overcrowded conditions in many Federal prisons. We would, of course, like to see that done—not just for the revenue that would come to the State of Illinois but because it would create jobs in my State.

In the course of deliberating it, controversy arose as to whether Guantanamo detainees would be placed in this prison. Initially, the administration said they would, and I supported them. But ultimately it became clear that there was opposition to going forward with this purchase of the Illinois prison if there was any likelihood Guantanamo detainees would be incarcerated at this prison. We have now made it clear—and I wish to make it clear for the record—that despite my personal views on this issue, I believe the law is clear that the Thomson Prison, once under Federal jurisdiction, will not house Guantanamo detainees. That has been a stated policy. It is now going to be a matter of law in this Defense authorization. Regardless of my personal feelings on the subject, it is the governing law, and I will not try to change the situation of Thomson in any way as long as I serve in the Senate when it comes to this important issue.

Unfortunately, some of my colleagues—whom I disagree with—are determined to keep Guantanamo open at all costs. I disagree. When we consider the expense of detention at Guantanamo and the reputation of that facility, I believe the President was right, initially, when he talked about the fact that we needed to, at some point, bring detention at Guantanamo to a close. My feelings are not only shared by the President but also by GEN Colin Powell; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; former Defense Secretary Robert Gates; ADM Mike Mullen; and, GEN David Petraeus.

There is great irony here. For 8 long years during the previous Republican administration, Republicans on the floor argued time and again that it was inappropriate—some said even unconstitutional—for Congress to ask basic questions about the Bush administration's policies on issues such as Iraq, torture, waterboarding, and warrantless wiretapping. Time and again, we were told Congress should defer to President Bush, our Commander in Chief. Let me give one example.

My friend Senator LINDSEY GRAHAM of South Carolina, on September 19, 2007, said:

The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power.

With a Democratic President, obviously some of my colleagues have had a change of heart. They think it is not only appropriate but urgent for Congress to limit this President's authority to combat terrorism, despite the success we have had since 9/11 under President Bush and President Obama keeping America safe. This is a clear political double standard. It is unnecessary. Look at the track record.

Since 9/11, our counterterrorism professionals have prevented another attack on the United States, and more than 400 terrorists have successfully been prosecuted and convicted in Federal courts. Here are just a few of them: Umar Faruk Abdulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel-Rahman, the so-called Blind Sheik; the 20th 9/11 hijacker, Zacarias Moussaoui; and Richard Reid, the Shoe Bomber—all prosecuted in the criminal courts of this land successfully and safely incarcerated in our Federal prisons. Something which many on the other side refuse to acknowledge, and argue is impossible, has, in fact, happened over and over again over 400 times.

Why do we want to change this system when it is working so well to keep America safe?

The fact that these detainee provisions have caused so many disagreements and such heated debate demonstrates the danger of enacting them into law. We shouldn't impose this kind of uncertainty on law enforcement, defense, and intelligence who are working to protect America. We should not limit the flexibility of the administration to respond to suspected terrorists in the most effective way, and we should not raise serious constitutional questions by requiring the military to detain people in the United States.

I have a letter from the Agents Association of the Federal Bureau of Investigation, dated December 7, 2011, raising many of the same issues which I have raised. I will say we contacted the Agents Association after the conference and asked them their reaction, and they said they still stood behind their statements of December 7, 2011. I ask unanimous consent to have printed in the RECORD this letter.

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

FEDERAL BUREAU OF INVESTIGATION AGENTS ASSOCIATION,
Arlington, VA, December 7, 2011.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee, Washington, DC.
Hon. JOHN MCCAIN,
Ranking Member, Senate Armed Services Committee, Washington, DC.
Hon. HOWARD P. MCKEON,
Chairman, House Armed Services Committee, Washington, DC.
Hon. ADAM SMITH,
Ranking Member, House Armed Services Committee, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: On behalf of the more than 12,000 active duty and retired FBI Agents who are members of the FBI Agents Association (''FBIAA''), I write today to express our concerns about Section 1032 of S. 1867, the National Defense Authorization Act for Fiscal Year 2012. Section 1032 requires that persons detained in connection with incidents of terrorism be held in military custody and leaves critical operational details unresolved. Like many in the federal law enforcement and intelligence communities, the FBIAA is concerned that this language undermines the ability of our counterterrorism experts to conduct effective investigations, Accordingly, we urge the conferees working to reconcile H.R. 1540 and S. 1867 through the conference process to reject Section 1032.

Section 1032 establishes a presumption for military custody for individuals detained in connection with acts of terrorism against the United States. While Section 1032 includes some exceptions and waivers to the military custody requirement, they are limited in scope and could create additional layers of bureaucracy at critical points in our investigations. Injecting this level of uncertainty and delay into terrorism investigations could undermine law enforcement effectiveness. To truly fight terrorism, all of the nation's law enforcement assets should be deployed and enabled to act nimbly. This can only be accomplished if our laws preserve flexibility and prevent unnecessary bureaucracy from hampering law enforcement activities.

As part of the nation's counterterrorism strategy, FBI Agents work in the United States and abroad as an integral part of the intelligence-gathering and interrogation process. These interrogations are often instrumental in obtaining information that is essential to efforts to thwart subsequent acts of terror. The interrogation of detained persons, however, must be adapted to each specific individual and circumstance in order to be effective. Obtaining cooperation or information requires a mix of patience, leverage, and relationship-building that is inconsistent with the language in Section 1032, which under a presumption of military custody would require a waiver early in the process. FBI Agents already work closely with the military and prosecutors to conduct effective investigations, and interjecting a requirement to obtain waivers from the Secretary of Defense, while well-intentioned, risks delays and miscommunications that would not serve the goal of conducting effective investigations,

The FBIAA shares the goal of enacting and adopting policies that protect Americans from terrorism, and we appreciate the difficult task before the conferees working to reconcile H.R. 1540 and S. 1867. To this end, we urge the rejection of any language that risks unnecessarily limiting the flexibility that is essential to adapting our investigations to the circumstances of each investigation. In the interest of national security, please reject Section 1032 in the final National Defense Authorization Act for Fiscal Year 2012. If you have any questions or would like to discuss the FBIAA's views on this issue, please do not hesitate to contact me.

Sincerely,

KONRAD MOTYKA,
President.

Mr. DURBIN. Mr. President, I have a press report that was released today relative to the testimony of Director Robert Mueller of the FBI, which I referenced in my speech. So that his statement will be reported more fully at this point, I ask unanimous consent to have printed in the RECORD the press report from Politico.

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

[From www.politico.com, Dec. 14, 2011]

ON NATIONAL DEFENSE AUTHORIZATION ACT, ROBERT MUELLER NOT SATISFIED

(By Josh Gerstein)

FBI Director Robert Mueller said Wednesday said he remains concerned that a defense bill containing provisions about military custody for terrorism suspects could interfere with the FBI's ability to investigate terrorist incidents and interrogate those believed responsible.

On Monday, a House-Senate conference committee announced a revised version of the National Defense Authorization Act that lawmakers said addressed many of the concerns that led White House officials to threaten a veto. However, at a Senate Judiciary Committee hearing Wednesday morning, Mueller said he remains worried about aspects of the bill.

''The drafters of the statute went some distance to resolving the issue related to our authority but the language did not really fully address my concerns. . . .'' Mueller said during questioning by Sen. Dianne Feinstein (D-Calif.), who opposes the detainee-related language in the bill. ''I was satisfied with part of it with regard to the authority, I still have concerns and uncertainties that are raised by the statute.''

Mueller said he fears that the legislation would muddle the roles of the FBI and the military.

The bill ''talks about not interrupting interrogations, which is good but gaining cooperation is something different than continuing an interrogation,'' Mueller said. ''My concern is that . . . you don't want to have FBI and military showing up at the scene at the same time on a covered person (under the law], or with a covered person there may be some uncovered persons there, with some uncertainty as to who has the role and who's going to do what.''

Mueller said later that he worries confusion caused by the legislation could affect the FBI's ability to build rapport with suspects.

''Given the statute the way it is now, it does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case. And the facts are gray as they often are at that point,'' the FBI director said under questioning by Sen. Chris Coons (D–Del.) ''The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.''

Backers of the defense bill say it will improve intelligence collection by making military custody the default for certain terrorism suspects. President Barack Obama has established civilian custody and courts as the default for terrorism cases, with the option to direct them to military commissions when the Justice and Defense departments deem it appropriate.

Since the conference bill was unveiled Monday, the White House has been mute about whether the changes to the bill are enough to win Obama's signature or whether he plans to carry through with the veto threat.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Illinois for his very eloquent remarks; also, the Senator from Colorado, Mr. UDALL, whom I had the pleasure of hearing from my office. I think they have encapsulated the situation we find ourselves in very well.

Mr. President, I wish to follow up on the detention authorities in the Defense Authorization bill and announce that today I am introducing legislation to clearly state that citizens apprehended in the United States shall not be indefinitely detained by the military.

This new legislation is called the Due Process Guarantee Act of 2011. I am joined by Senator LEAHY, the chairman of the Judiciary Committee, to which this bill will go, Senator LEE, a member of that committee, Senator KIRK, Senator MARK UDALL, Senator PAUL, Senator COONS, and Senator GILLIBRAND. I thank them for being original cosponsors of this bipartisan legislation.

In sum, the Due Process Guarantee Act we are introducing will add to another major law called the Non-Detention Act of 1971, which clearly stated:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

The new legislation we intend to introduce will amend this Non-Detention Act to provide clearly that no military authorization authorizes the indefinite detention without charge or trial of U.S. citizens who are apprehended domestically. It also codifies a ''clear statement rule'' that requires Congress to expressly authorize detention authority when it comes to U.S. citizens and lawful permanent residents for all military authorizations and similar authorities.

We cannot limit the actions of future Congresses, but we can provide that if they intend to limit the fundamental rights of U.S. citizens, they must say so clearly and explicitly.

I am very pleased to add that Senator DURBIN will also cosponsor this legislation.

Lawful permanent residents are included in this bill we will introduce because they have the same due process protections as citizens under the Constitution. In this bill, the protections for citizens and lawful permanent residents is limited to those ''apprehended in the United States,'' excluding citizens who take up arms against the United States on a foreign battlefield.

I strongly believe constitutional due process requires that U.S. citizens apprehended in the United States should never be held in indefinite detention. That is what this legislation would accomplish, so I look forward to working with my colleagues, especially Chairman LEAHY on the Judiciary Committee, to move this bill forward.

I note the Senator from Illinois, Senator KIRK, is on the floor of the Senate to speak about this bill as well.

Our current approach to handling these suspects in Federal criminal courts has produced a strong record of success since the 9/11 attacks. We would be wise to follow the saying, ''If it ain't broke, don't fix it.''

Our system is not broken. We thwarted attempted terrorist acts. We have captured terrorists, interrogated them, retrieved actionable intelligence from them, prosecuted them, and locked them up for lengthy sentences—in most cases for the rest of their lives.

Both Senator UDALL and Senator DURBIN pointed out Director Mueller's testimony before the Judiciary Committee yesterday. This is relevant because it had been said that the Director of the FBI was satisfied with the language of the conference report of the Defense authorization bill. When Director Mueller was asked the question yesterday, Are you satisfied with the language, in so many words, he said, not quite. To quote him, Director Mueller said:

Given the statute the way it is now, it doesn't give me a clear path to certainty as to what is going to happen when arrests are made in a particular case.

He warned:

The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.

I am concerned about how these provisions will be implemented once they are enacted into law, so I will be watching carefully to ensure that they do not jeopardize our national security.

Finally, I want to explain, as the sponsor of the Feinstein compromise amendment, No. 1456, that the Defense authorization bill should not be read to authorize indefinite detention of U.S. citizens captured inside the United States or abroad, lawful resident aliens of the United States captured inside our country or abroad, or any other persons who are captured or arrested in the United States.

On page 655 of the conference report, the compromise amendment, No. 1456, that passed the Senate by a vote of 99 to 1, reads this way, and this is in the conference report of the Defense authorization bill:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, or lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

What does this mean? This means we have agreed to preserve current law for the three groups specified, as interpreted by our Federal courts, and to leave to the courts the difficult questions of who may be detained by the military, for how long, and under what circumstances.

And the Due Process Guarantee Act will clarify that citizens and lawful permanents cannot be detained without charge or trial if they are apprehended domestically.

I interpret current law to permit the detention of U.S. citizens as ''enemy combatants,'' consistent with the laws of war, only in the very narrow circumstance of a citizen who has taken an active part in hostilities against the United States and is captured outside the United States in an area of ''active combat operations,'' such as the battlefields of Afghanistan. This was the Supreme Court's narrow holding in Hamdi v. Rumsfeld in 2004.

I am sorry to say that Hamdi has been mischaracterized in this body. Whether Congress should grant the President more expansive powers of detention or act to curtail the powers identified by the Supreme Court in Hamdi is a question that Congress will continue to debate in the future. And we introduced the Due Process Guarantee Act to help clarify current law: that citizens and lawful permanents cannot be detained without charge or trial if they are apprehended domestically.

I would like to point out the errors in the legal analysis by those who would interpret current law, or this Defense Authorization Act, to authorize the indefinite detention of U.S. citizens without charge or trial, irrespective of where they are captured or under what circumstances.

Let's turn to the Supreme Court's 2004 opinion in Hamdi v. Rumsfeld, which has been incorrectly cited by others for the proposition that the 2001 AUMF permits indefinite detention of American citizens regardless of where they are captured.

Hamdi involved a U.S. citizen, Yaser Esam Hamdi, who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan and turned over to U.S. forces. The Supreme Court's opinion in that case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances as ''enemy combatants'' for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

In particular, the Court limited its holding to citizens captured in an area of ''active combat operations'' and concluded that even in those circumstances, the U.S. Constitution and the due process clause guarantees U.S. citizens certain rights, including the ability to challenge their enemy combatant status before an impartial judge. The plurality's opinion stated:

It [the Government] has made clear, however, for the purposes of this case, the ''enemy combatant'' that it [the Government] is seeking to detain is an individual who, it alleges, was ''part of or supporting forces hostile to the United States or coalition partners'' in Afghanistan, and who ''engaged in an armed conflict against the

United States'' there. Brief for Respondents 3.

That was all a quote from the plurality opinion, and it continues:

We therefore answer only the narrow question before us: whether the detention of citizens falling within that definition is authorized.

The opinion goes on to say at page 517:

We conclude that the AUMF is explicit congressional authorization for the detention of individuals—

And here it is—

in the narrow category we describe. . . . And the narrow category they describe is one who is part of forces hostile to the U.S. on the battlefield of Afghanistan. Indeed, the plurality later emphasized that it was discussing a citizen captured on the battlefield. In responding to Justice Scalia's dissenting opinion, the plurality opinion says:

Justice Scalia largely ignores the context of this case: a United States citizen captured in a foreign combat zone.

The plurality italicized and emphasized the word ''foreign'' in that sentence.

Thus, to the extent the Hamdi case permits the government to detain a U.S. citizen until the end of hostilities, it does so only under a very limited set of circumstances; namely, citizens taking an active part in hostilities who are captured in Afghanistan and who are afforded certain due process protections, at a minimum.

It is also worth noting that amid lingering legal uncertainty regarding whether the government had the authority to detain Hamdi, the Government—this was the Bush administration—saw this and released Hamdi to Saudi Arabia on the condition that he relinquish his U.S. citizenship.

As a result, I don't regard the Supreme Court's decision in Hamdi as providing any compelling support for broad assertions of legal authority to detain U.S. citizens without trial. Certainly, the case provides no support for the indefinite detention of citizens captured inside the United States.

Let me go back to something. In 1971, the Congress passed, and Richard Nixon signed into law, a Non-Detention Act to preclude this very possibility. That act was intended in large measure to put the wrongs of Japanese internment during World War right. It provides simply:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

I very much agree with the Second Circuit Court of Appeals, which held in the case of Padilla v. Rumsfeld that:

[W]e conclude that clear congressional authorization is required for detentions of American citizens on American soil because . . . the Non-Detention Act . . . prohibits such detentions absent specific congressional authorization.

The Second Circuit went on to say that the 2001 AUMF ''is not such an authorization and no exception to [the Non-Detention Act] otherwise exists.''

The Fourth Circuit came to a different conclusion when it took up Padilla's case, but its analysis turned entirely on disputed claims that ''Padilla associated with forces hostile to the U.S. Government in Afghanistan'' and, ''like Hamdi,'' and this is a quote, ''Padilla took up arms against United States forces in that country in the same way and to the same extent as did Hamdi.''

To help resolve this apparent dispute between the circuits, I believe we need to pass the Due Process Guarantee Act that my cosponsors and I are introducing today.

I would like to add Senator BILL NELSON of Florida as a cosponsor.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mrs. FEINSTEIN. This is important. We spent about half a day on this floor discussing this with Senator LEVIN, with Senator MCCAIN, in the cloakroom with Senators LEE and PAUL, as well as with a whole host of staff both from the Armed Services Committee as well as the Intelligence and Judiciary Committees. Here is the conclusion: I, and many of my colleagues and legal scholars, believe neither the AUMF nor the provisions of the National Defense Authorization Act that we are considering today constitute such an express authorization to detain American citizens.

As I previously mentioned, I sponsored compromise amendment No. 1456 to the Defense bill when it passed the Senate and that amendment has now become section 1021(e) of the conference report specifically to prevent misrepresentations from providing Congressional intent to support the detention of Americans.

Ex parte Quirin is a 1942 Supreme Court case that upheld the jurisdiction of a U.S. military tribunal that tried several German saboteurs captured inside the United States during World War II and brought to stand trial before the hastily convened military tribunal.

One of the saboteurs, Herbert Hans Haupt, was a U.S. citizen. However, the question at issue in Quirin was not whether a U.S. citizen captured inside the United States could be held indefinitely under the laws of war without trial, but rather, whether such an individual could be held in detention for a matter of weeks pending trial by military commission.

Haupt was, in fact, tried, convicted and sentenced to death within weeks after his capture. Moreover, the Quirin opinion predates the Geneva Conventions, a milestone of rather substantial significance in the development of the law of war, and the decision also predates the Non-Detention Act of 1971.

As Justice Scalia said in his dissent in Hamdi: ''[Quirin] was not [the Supreme] Court's finest hour.''

The only recent case of a U.S. citizen captured inside the United States and held as an enemy combatant under the law of war is that of Jose Padilla.

However, amid considerable legal controversy regarding the legality of his detention, Padilla was ultimately transferred out of military custody and tried and convicted in a civilian court.

Padilla, a U.S. citizen, was arrested in Chicago on May 8, 2002 on suspicion of plotting a dirty bomb attack in the United States. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist attacks.

On June 9, 2002, two days before a Federal judge was to rule on the validity of continuing to hold Padilla under the material witness warrant, President Bush designated him an ''enemy combatant'' and transferred him to a military prison in South Carolina for detention pursuant to the law of war without charge or trial.

Padilla subsequently filed a petition for a writ of habeas corpus in Federal court challenging the legality of his continued detention and an extended series of appeals ensued.

Facing an impending Supreme Court challenge and mounting public criticism for holding a U.S. citizen arrested inside the U.S. as an enemy combatant, President Bush ordered Padilla transferred to civilian custody to face criminal conspiracy and material support for terrorism charges in Federal court. The criminal charges against Padilla were not, however, related to Padilla's alleged involvement in a dirty bomb plot, which had been the basis for his prior detention as an enemy combatant.

Padilla was subsequently convicted and sentenced to 17 years in prison. That 17-year sentence has since been vacated and is under reconsideration. Thus, the Padilla case is at best inconclusive as to the President's authority to detain a citizen captured inside the United States as an ''enemy combatant.'' More likely, it evidences the folly of such overreaching assertions of Executive power.

Despite my longstanding opposition to the detention provisions in this bill, I will be voting yes on this important legislation. The main reason I support the defense authorization bill is because it ensures our troops deployed around the world—especially those in Afghanistan—have the equipment, resources, and training they need to defend this Nation.

I wish to sum up by quoting Justice Sandra Day O'Connor, writing for the plurality in Hamdi. Here is what she wrote:

As critical as the Government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

This is what Senator KIRK, Senator LEE, Senator PAUL, and those of us on the Democratic side who have worked on this truly believe. What about the person captured on the corner who looks a certain way, who gets picked up and put into detention? Does that

person have the right to a charge and to a trial? Our system of due process and the Constitution of the United States say, simply, yes.

I look forward to working with my colleagues to pass the due process guarantee bill.

I wish to defer to the distinguished Senator from Illinois, Senator KIRK.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, I wish to rise in support of the Feinstein-Leahy-Lee legislation. We are taking up the Defense authorization bill with the controversial provisions in it, somewhat protected already by the Feinstein language. But this legislation locks in a fundamental truth that I think is important for our country, and that is as a U.S. citizen inside the territory of the United States, you have inalienable rights under our Declaration of Independence. We are protected pursuant to the U.S. Constitution.

Our Constitution says all crimes, and prosecution thereof, shall be pursuant to a grand jury indictment. There is no exception in the Constitution for that. The Constitution grants a U.S. citizen a trial in the State in which the crime was committed, I think clearly envisioning a civilian trial. We, as Americans, have a right to a speedy trial, not indefinite detention.

We as Americans have a right to a jury of our peers, which I would argue is not enlisted or military personnel sitting in a jury. You cannot search our persons or our places of business or homes without probable cause under the Bill of Rights. You cannot be deprived of your freedom or your property without due process of law, and that, I would say, is not indefinite detention. All due process guarantees under law are granted to you by the 14th amendment. I would actually argue that no statute and no Senate and no House can take these rights away from you.

It is very important to pass this legislation to prevent needless litigation against constitutional rights, which I regard already as your birthright as an American citizen. It is very important to talk about what the Feinstein legislation does and does not do. I think it is very narrowly crafted to defend the rights of American citizens and resident aliens inside the United States. We agree that aliens who are engaged or captured on foreign battlefields can be subjected to rough justice, battlefield outcomes, or detention and prosecution by the U.S. military.

We even agree that a U.S. citizen such as Anwar al-Awlaki, who took up arms against the United States from his terrorist base, Yemen, is then the proper subject of U.S. military action, and he received that proper attention. Illegal aliens, even inside the United States—we are not engaging on that subject. If they are part of jihad or other warfare against the United States, they can be subjected to military jurisdiction. But with regard to U.S. citizens and resident aliens on U.S. soil, I would argue that the entire point of the Department of Defense is to defend our constitutional rights and to make sure they are honored. If you read the Constitution—and I would urge all Members in this battle to reread it; it is only 5,000 words long—you will see that the rights provided are without qualification and are part of your birthright.

What is the first thing a U.S. Senator, a Member of Congress, or the President does? They swear an oath to the Constitution of the United States. What is the first act any American or resident alien joining the U.S. military does? They don't swear allegiance to a President or a leader or a territory; they swear allegiance to the U.S. Constitution, and that is the mission which they are undertaking to protect.

We see a number of cases cited—as I noted, Ex parte Quirin, the German spy, or U.S. nationals who landed in Long Island and were summarily executed under U.S. military justice. I would say at least they were part of a foreign military and trained in that mission and trying to carry out that mission when that rough justice was put in place.

With regard to Jose Padilla, he was a U.S. citizen—sometimes when I was at the State Department, people would ask me who our Ambassador to Puerto Rico was. Puerto Rico is part of the United States. He was a full member of the country, with U.S. citizenship. He was arrested at O'Hare Airport, but pursuant to executive action was immediately taken into military custody and held in a brig. I regard all of his constitutional rights were then violated. In the subsequent litigation, I think eventually the Bush administration realized they were about to lose this case, which is why they kicked him back into civilian court.

In the Hamdi case, which is so often cited, even there we at least had a foreign connection, foreign training as part of another battlefield. What we are talking about here is very narrow, to make sure at the very least that you, as a U.S. citizen in U.S. territory, are not going to be subjected to indefinite military detention and military justice, that all of your constitutional rights are adhered to.

I would simply ask this—also as a reserve naval officer—what U.S. military officer wants the duty to roll in, for example, to Peoria, IL, and arrest an American citizen for actions that citizen has only done in the United States, not connected to a foreign military or training, and then to put that person through military detention and justice? I would say for the long-term interest of the U.S. military and to protect the U.S. military, we do not want to give that mission to our Armed Forces. A point of common sense should prevail here as well.

We spend billions of dollars on the Department of Homeland Security, which is fully under the fourth and sixth amendments of our constitutional protection. We have an extraordinarily able FBI, ATF, DEA, et cetera, the whole panoply of Federal law enforcement, which, quite properly, is not under the administration of the Pentagon but is instead under the administration of the Department of Justice. We have a vast array of State and local law enforcement all dedicated to protecting the United States but, most importantly, to uphold the very oaths they also take in their first minute as law enforcement officers to protect the U.S. Constitution.

So on this day that we pass the NDAA, which has a murky provision regarding this—somewhat protected by the Feinstein legislation—it is very important for us then to rally behind the further legislative protections here. I think this is strong, bipartisan legislation. I commend Senator FEINSTEIN, Chairman LEAHY, and Senator LEE for bringing it forward. No. 1, this will help protect the U.S. military from missions that it should not undertake. No. 2, we will make sure there is clear delineation between the Department of Justice, Homeland Security, and its whole panoply of agencies, and our military, which protects our rights from threat overseas. But, most importantly, No. 3, to defend the U.S. Constitution, your birthright as an American citizen to have these rights to make sure we do not subject any U.S. citizen apprehended inside the United States to indefinite detention under U.S. military authority, knowing they have inalienable birthrights that were granted to them by the U.S. Constitution.

With that, I commend the Chair.

Mr. KIRK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, we have two other provisions that are in the National Defense Authorization Act that I want to briefly mention.

First, we have a modified Brooks amendment in the conference report that says if there is any plan to deliver classified missile defense data to the Russians, the administration has to have a 60-day clock expire and then certify to the Congress that none of this data could end up in the hands of third parties, particularly the Iranians or Syrians. I wish to put the administration on notice that that certification probably cannot be made. Dmitry Rogozin, the lead negotiator on the missile defense for their government, has a close and continuing relationship with Iran. He is going to Iran next month. When we see the intelligence sharing and cooperation on

missiles and on other weaponry, but especially discussions about a second nuclear reactor in Iran, I think we should all realize that any classified data on U.S. missile defense going to the Russians would be given to the Iranians.

Remember, in missile combat between enemies of the United States and ourselves, everything would be over potentially in a matter of hours. If the Russians accomplish by diplomacy what they have failed to do by espionage, which is getting critical details of U.S. missile defense, and especially missile defenses of Poland and other key allies, we give only a few minutes to a few hours to the U.S. commander to be able to diagnose the problem, understand how he has been penetrated or fooled, and to correct that. I think that weakens the defenses of the United States significantly.

I had a hold on the nominee for the U.S. Ambassador to Moscow, Michael McFaul. Because of the passage of the modified Brooks amendment and a written letter of assurances given to me by the administration, I have now lifted that hold. I will be supporting his nomination also because he will be good in working with the opposition and human rights communities in Russia.

But I think everyone is now on notice that we should not move forward with any plan to provide classified missile defense data to Russia because it will be shared with the Islamic Republic of Iran, and that is one of the principal threats for which the U.S. and NATO missile defenses are arrayed against.

A second provision which is in the National Defense Authorization Act concerns Iran itself. Senator MENENDEZ and I teamed up on an amendment that also says: If you do business with the Central Bank of Iran, you may not do business with the United States. But we provided critical flexibility to the administration. The amendment is not imposed for weeks, if not months, and two critical waivers are put in the amendment which say, No. 1, if we find a critical shortage in oil markets because of Iran's leading role, sanctions could be delayed if not suspended. Also, there is a general national security waiver put in if something unexpected happens. But, in general, the rule goes forward that we are moving forward on a comprehensive plan to collapse the Central Bank of Iran.

Despite Secretary Geithner opposing the Menendez-Kirk amendment, this body voted 100 to 0 to support that amendment because we know of the International Atomic Energy Agency's report that they may be getting close to having enough fissile material for a nuclear weapon. We know of Iran's support for Hezbollah and Hamas. We know of their oppression of minorities, especially 330,000 Baha'is, who have been prohibited from contracting with the Iranian Government. Kids are not allowed to be in university. We even know of one poor Iranian actress who was sentenced to 90 lashes, later suspended, for simply appearing in an Australian film without a head dress.

The time for action on Iran is now. With the passage of the National Defense Authorization Act and the signature that we now expect from the President, a set of clocks begins, 60- and 180-day clocks. I will be teaming with Senator MENENDEZ and others—in fact, with the entire U.S. Senate that supported this—to make sure we have the toughest action possible to collapse the Central Bank of Iran, which the Treasury Department noted is the central money launderer for that government to support terror and nuclear proliferation.

With that, I yield the floor. Actually, I yield to my colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise today in support of the National Defense Authorization Act. In particular, I wish to speak briefly about the detainee provisions contained in the conference report.

I have spoken many times over the last few months about this issue, but due to the importance of these issues—and I think because of some of the unfortunate mischaracterizations we have heard about the bipartisan compromise that passed this body already overwhelmingly and came out of the Armed Services Committee overwhelmingly—I wanted to come to the floor to make some closing points on this.

I would like to start with this proposition: No member of al-Qaida, no terrorist, should ever hear the words ''you have the right to remain silent.'' That fundamental principle is at the heart of the issue we confronted in the Armed Services Committee in addressing the detainee provisions that are contained within the Defense authorization report. The central issue is, how do we best gather intelligence to protect our country from future attacks?

It is common sense that if we tell a terrorist they have the right to remain silent, they may exercise that right. What if they do so and they have additional information about future attacks on our country or, as in the case of the so-called Underwear Bomber—which, unfortunately, in my view, has been cited by some of my colleagues as a success—if that event had been part of a series of events such as the events that occurred on 9/11 where we were attacked on our own soil, what would we have lost? After 50 minutes, the so-called Christmas Bomber was told he had the right to remain silent and he exercised that right and we did not get to question him again until 5 weeks later, after law enforcement officials tracked down his parents in another country and convinced him to cooperate. That is not a good policy to gather intelligence to protect our country, and that is at the heart of what we are trying to address on a bipartisan basis in the Defense authorization bill.

We have to ask ourselves: The events of 9/11, were they acts of war or were they a crime against our country? I firmly believe we are at war with members of al-Qaida; that what happened on September 11 was an attack against the United States of America. Innocent Americans were killed not because of what they did but because of what we believe in and what we stand for as a country.

So when I hear some of my colleagues suggest there are problems with the detainee compromise that was achieved on a bipartisan basis in this body—because we have basically said, if a foreign member of al-Qaida comes to the United States of America, seeks to commit another 9/11 against us, seeks to attack our country or its citizens, that the presumption will be military custody. That those provisions are misguided in some way deeply troubles me. If this wasn't an act of war, then I don't know what is. We need to make sure we treat enemies of our country for who they are and make sure they are not read their Miranda rights.

So in this bipartisan compromise we said there is a category of individuals—members of al-Qaida or associated groups—who want to come to America to attack us or our allies and for whom, yes, there is a presumption of military custody. That way they don't have to be read their Miranda rights or be provided the rights of our civilian system.

We also address the administration's concerns by giving them a national security waiver, by allowing our law enforcement officials the flexibility to come up with the procedures on how to implement the provisions of this bill.

I wish to address what I heard from FBI Director Mueller yesterday, just to be clear on the record, because yesterday FBI Director Mueller raised concerns about these detention provisions saying there is a possibility that looms that we will lose opportunities to obtain cooperation from individuals we have been able to obtain cooperation from in the past.

Well, I am concerned because when FBI Director Mueller came to a group of us, including the chairman of the Armed Services Committee and Ranking Member MCCAIN, he raised operational concerns about this provision, and we said we want to address those concerns. So in the final conference report there is language that was given to us by the FBI to address their operational concerns. It was included in this bill without a comma changed.

So it makes me concerned when we put their language in to address their concerns, saying nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with respect to a covered person regardless of whether such covered person is held in military custody.

So I say to Director Mueller: We put your language in directly, and it makes

me concerned when I hear, in my view, what are political viewpoints rather than what is the reality of what is in this bill, which will allow the FBI to continue its work and will allow for us to hold in military custody those who are seeking to attack our country and will ensure that Miranda rights do not have to be given if that is the best investigative way to go forward to protect our country.

I see my colleague, the Senator from South Carolina, on the floor. I wish to ask him a question about the bill and the detainee provisions, particularly about the authorization for the use of military force. I have heard some people on the floor of the Senate—including the Senator from Colorado, the Senator from Illinois, and the Senator from California—express concerns about the fact that this bill reaffirms the authority of the President of the United States to detain an American citizen who has joined with al-Qaida and who has, as a member of al-Qaida or an associated force, joined arms against our country and sought to kill Americans.

I wish to ask the Senator from South Carolina about this provision and why it is important for our country.

Mr. GRAHAM. I thank the Senator from New Hampshire who has been a great leader on this issue.

Let me just tell my colleagues what drives my thinking. I think we are at war—I don't think it, I believe it. I hope my colleagues believe it too, and I know America is part of the battlefield because the enemy would like to destroy our country.

If we capture an al-Qaida operative overseas, does anybody in this body suggest that we should give them a lawyer or read them their rights? In World War II, if we had captured a Nazi soldier overseas and started saying they had the right to remain silent and we would give them a lawyer, even though Miranda didn't exist at the time, people would have run us out of town.

So if we believe we can kill an American citizen who has joined al-Qaida—the Awlaki case, where the President of the United States made an executive decision under the rule of the law, not through a court decision, to target an American citizen who had aligned themselves with the enemy—then if we can kill them, which is pretty indefinite, why can't we capture and hold them?

Now, that would be the dumbest thing in the history of the world for a nation to say: We all acknowledge the executive branch's power to target an American citizen who has aligned themselves with the enemy. We can kill them overseas, we can capture them overseas, we can interrogate them about what they know about future attacks, but when they get here we have to treat them as a common criminal.

I think what we share, I say to the Senator from New Hampshire, is that we think al-Qaida operatives, citizens or not, are not common criminals. We think they are crazy people, warriors, bent on our destruction, who would blow themselves up just as quickly as they would blow you up, and they don't care if they blow themselves up. The only reason the Christmas Day Bomber didn't kill a bunch of people is because his shoe didn't go off. The only reason the Times Square Bomber didn't kill a bunch of people is because the bomb didn't go off.

If you are an American citizen and you want to help al-Qaida kill Americans and destroy your own country, here is what is coming your way. If you happen to be listening to this debate, please understand the law as it is today and as it is going to be after this bill is passed: We are at war. The authorization to use military force passed by the Congress right after the attacks against this Nation designates al-Qaida as a military threat, not a common criminal threat, so we apply the law of war. There are two legal systems at play: domestic criminal law that well serves us as a nation to deal with crime—even the worst person, the worst child abuser gets a lawyer and is presumed innocent. Believe it or not, war criminals get lawyers and are presumed innocent.

I am proud of both systems, but the law enforcement model doesn't allow us to hold someone for a period of time to gather intelligence. Under the law enforcement model, once we capture someone, we have to start reading them their rights and providing them with a lawyer. Under the law of war model, we can hold someone who is part of the enemy force and gather intelligence.

This is not the first war where American citizens have sided with the enemy. In the In re Quirin case, a World War II case where American citizens aided Nazi saboteurs, here is what the Court said: There is no bar to the Nation holding one of its own citizens as an enemy combatant. That has been the law for decades.

So if it made sense to hold an American citizen who was helping the Nazis under military authority because they were helping a military enemy of the Nation to gather intelligence, why in the world wouldn't it make sense to hold somebody who has joined with al-Qaida to gather intelligence about the next attack?

Let me give an example of what we may face. Homegrown terrorism is on the rise. The Internet is out there. It is a good thing and a bad thing. But the idea of people getting radicalized and turning against their own country is a growing threat.

So the likelihood in the future of someone getting radicalized—an American citizen here at home going to Pakistan, getting educated in one of these extremist madrassas, coming back home, getting off the plane at Dulles Airport, coming down to the Mall and starting to shoot American citizens and tourists alike—is very real.

What this legislation does is it says from the Congress's point of view we recognize the person who is aligned with al-Qaida is not a common criminal, that we expressly authorize the indefinite detention of someone who has joined al-Qaida operations.

Why is that important? Don't you think most Americans, I say to the Senator, would be offended if after the person who went on a rampage in the Capital to kill American citizens, to kill people in America, was captured, we could not question them about: Is there somebody else coming? We would have to say: You have the right to remain silent. Here is your lawyer.

What we should do with that person who went to Pakistan and got radicalized and wants to come back and kill us all is hold them in military custody, as we have done in every other war, and find out all we can about future attacks and what they know. Because we are not fighting a crime; we are fighting a war. That has been the law, according to the Supreme Court, for decades, and all we are doing in Congress is saying, statutorily: We recognize the authority of this President and every other President to hold an enemy combatant for intelligence-gathering purposes indefinitely, whether they are captured at home or abroad, because that only makes logical sense. The idea of criminalizing the war and not being able to gather intelligence will put our country at risk.

Let me say this about the system: No one can be held as an enemy combatant under the law we have constructed without having their day in Federal court. So do not worry about going to a tea party or a moveon.org rally or an Occupy Wall Street rally and somebody holding you as a political prisoner under this law. The only people who can be held under military custody for an indefinite period are ones who have been found to have associated with al-Qaida in an overt way, and the government has to prove that to a Federal judge. If the Federal judge does not believe the government has made their case, the person is released. If the Federal judge says to the U.S. Government: You have convinced me that the person in front of me is cooperating and has joined al-Qaida and is overtly engaged in hostilities against the United States. I hereby authorize to you to hold that person to gather intelligence, how long can you hold them? As long as it takes to make us safe.

Here is what the law does. Every year, the person being held as an enemy combatant has an annual review process where the experts in our government look at the threat this person possesses, whether we have more intelligence to be attained, and there is a legal process to review ongoing detention.

Here is what some of my colleagues would say: Wait a minute. You cannot

do that. We are going to say, as a Member of Congress, that at an artificial date you have to let that person go or try them? A lot of these cases will be based on intelligence that may not go to an article III court. We may have to compromise our national security. We can prove to a judge they are a member of al-Qaida, but we are not going to take them to the criminal court because that is not in our national security interest.

The key fact is, no one is held as an enemy combatant without judicial review. Once you are determined to be an enemy combatant, then we are going to apply the law of war, as we have for 200 years. The law of war says: No nation has to let an enemy prisoner go or prosecute them—because we are not fighting a crime; we are fighting a war.

If you are an al-Qaida operative, you could get killed, even if you are an American citizen, by assisting the enemy at home or abroad. So do not join al-Qaida because you could lose your life. If you do get captured, you can be held indefinitely under the law of war because you have committed an act of war.

Ms. AYOTTE. Would the Senator from South Carolina yield for a question?

Mr. GRAHAM. I am pleased to.

Ms. AYOTTE. Isn't it true that included within the Defense authorization language in the detainee provisions is that:

> Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

In other words, what is the law today—as you just described it—we are reaffirming in this bill. But we are not adding or subtracting from the President's authority that he has, as the Commander-in-Chief of our country, to protect our country against members of al-Qaida.

Mr. GRAHAM. The Senator is correct.

But here is what we are doing. Here is what LINDSEY GRAHAM is doing, and CARL LEVIN, and an overwhelming number of the Members of this body are about to do. We are about to pass a defense authorization bill that increases military pay, that has a lot of great things. But we are about to say as a Congress: We believe we are at war, and we reject the idea—the Libertarian idea; who are great Americans—that if you get to America somehow, it is no longer a war.

I think the Libertarians agree that if you catch an al-Qaida operative, including an American citizen, overseas, we do not have to read them their rights, and we do not have to give them a lawyer. But somehow, the perverse logic is, if they make it to America to attack us, whether they are a citizen or not, somehow they get a special deal.

All of us who are voting for this bill say that is crazy; we are at war. For no other war has that been the case. If you would have suggested in 1942 that the American citizen helping the Nazis commit sabotage against the United States had a special status and could not be treated in the fashion of a military threat to the country, they would have run you out of town.

So we are 10 years out from the attacks of 9/11, and here is what we are rejecting: We are rejecting the criminalization of the war, but we are doing it in a smart way. We are not telling the executive branch they have to go into a law-of-war detention system. We are just saying that is available to them. We are not telling the executive branch they have to try people in military commissions. We are just saying to them that is available for noncitizens. What we are telling the executive branch is that we believe we are at war, and that narrow group of people—thank God it is a narrow group—who join al-Qaida do not have special privileges when it comes to destroying our homeland; that if they make it to America, the closer they get to us, the more tools we should have available to protect ourselves.

So we are on record—at least I am and I think the body as a whole. Senator LEVIN has been terrific. The administration has been great to work with. Finally, after 10 years, the Congress of the United States, through this legislation, is going to make the simple statement, simple proposition that under the law of war, you can be held as an enemy combatant indefinitely to protect this Nation. Because when you join al-Qaida—the enemy of us all—we are not worried about whether we are going to prosecute you right away. We are worried about what you know about the next attack coming.

Let me tell you why we need this flexibility. The Christmas Day Bomber—the bomb did not go off, thank God; it was just luck—was read his Miranda rights within 45 minutes. Five weeks later, his parents convinced him to cooperate. What we are suggesting is there is another way that has been used in other wars, that the U.S. intelligence community, law enforcement community, and military have an option available to them.

We could grab this person who has just tried to blow up an airplane over Detroit—American citizen or not—and we can hold them without telling them they have a right to a lawyer and reading them their Miranda rights. Because we are trying to find out is another airplane coming and what do they know about the enemy and what were they up to and where did they train.

If we take that option off the table, we will have diminished our national security. We will have overturned what every other time of war has been about. We would be the first Congress in the history of the country to reject the idea that we can hold someone who is collaborating with the enemy under the law of war. Let's reverse this. This is the first time in history people have said on the floor of the Senate: We reject the Supreme Court holdings that allow the American Government to hold someone as an enemy combatant when they have joined the enemy forces at home or abroad.

So those of us who are voting for this, we are saying we accept the proposition that if you join al-Qaida, you can be killed, you can be captured, you can be interrogated. I am willing to accept the heat for making that decision. Because if we cannot kill them and we cannot capture them and we cannot interrogate them, we have made a huge mistake because these people hate us. They hate who we are. They hate what we stand for. They would kill us all if they could. They are out there, and some of them are among us who have the title of ''American citizen.''

But let me tell you about that title. Not only does it have rights, it has responsibilities. Our courts have said there is nothing in our law or our Constitution that prevents us from holding one of our own when they join the enemy. Because when they join the enemy, they have not committed a crime; they have turned on the rest of us, and they should accept the consequences of being at war with America. Being at war with America is something they should fear, and if they do not fear being at war with America, we have made a huge mistake.

I believe in due process. No one is going to prison without a Federal judge's oversight. No one stays in prison indefinitely without an annual review. But, my God, we are not going to arbitrarily say: You have to go. You have to be let go because of the passage of time and we are not going to criminalize this war—because it is a war.

As sure as I am standing here talking today, we are going to be wrong once. We have to be right every time, I say to the Senator. We have been lucky, and our men and women in uniform and our intelligence community and our FBI agents are doing a wonderful job. They are working night and day to protect us. The threats are growing. They are not lessening. There will come a day, I am sad to say, when we are going to get hit again. But when that day comes, we are going to make sure we have the tools to deal with it in terms of what it is: an act of war. We are going to have the tools available to this country to rein in the consequences because we are going to have the tools available to find out where is the next attack coming from.

We are not going to criminalize the war. We are going to fight it within our values. We are going to provide robust due process. But we are going to acknowledge as a body in Congress that our Chief Executive and those men and women in uniform, law enforcement agents, CIA agents—that they have our blessing to do their job, and we are going to acknowledge that they have the tools available in this war that were available to other like people in other wars.

Ladies and gentlemen, if there was ever a war where it was important to know what the enemy was up to and hit them before they hit us, it is this war. They could care less about losing their lives. The only way we will be safe is to gather intelligence, and we cannot gather intelligence, in my view, by locking down America to ''Dragnet'' standards. This is not a TV show. This is a real-world event that changes as I speak.

To Senator LEVIN, to Senator AYOTTE, and to all those who have tried to create a compromise to enjoy bipartisan support—to the administration—thank you all. To the critics, some of your criticism has been unfounded. But you have the right to be a critic. You live in the State called ''Live Free or Die.''

Let me remind everybody, being a critic and being able to speak your mind sometimes means people have to die.

What I am——

The PRESIDING OFFICER. The time for the Senator from New Hampshire has expired.

Mr. GRAHAM. Madam President, could I ask for 30 seconds?

The PRESIDING OFFICER. Is there any objection?

Mr. LEVIN. Madam President, reserving the right to object—and I, of course, will not—how much time is left before our vote?

The PRESIDING OFFICER. One minute.

Mr. GRAHAM. I will do this in 15 seconds.

Mr. LEVIN. If the Senator will save me 30 seconds, I would appreciate it.

Mr. GRAHAM. Absolutely.

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

Mr. GRAHAM. This idea of civil liberties and the American way of life—if we do not fight for it, we are going to lose it. We are under siege and we are under attack. So let's fight back within our values. This bill allows us to fight back, and I am very proud of the product.

I thank Senator LEVIN for being such a good leader for the Nation at a time when we need good leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me first thank Senators GRAHAM and AYOTTE for their contributions this afternoon and long before this afternoon on this subject.

The best answer to some of the criticism we have heard this afternoon—the FBI has been successful. Why change it?—read the law, read the conference report.

> Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation. . . .

It is flatout explicit in the law.

Something else we have heard: We are doing something for the first time—long-term custody for American citizens. Read the conference report:

> Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens. . . .

I urge people to read our conference reports read the Senate bill, before they accept some of the arguments which have been made against this conference report.

Madam President, I ask unanimous consent that the statement of the Press Secretary for the President that was issued yesterday on behalf of the President be printed in the RECORD, including this line:

> [W]e have concluded that the language does not—

The language in the conference report—

challenge or constrain the President's ability to collect telling intelligence, incapacitate dangerous terrorists, and protect the American people—

And the key words for many people—

> and the President's senior advisors will not recommend a veto.

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

STATEMENT FROM THE PRESS SECRETARY ON THE NDAA BILL

We have been clear that ''any bill that challenges or contrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.'' After intensive engagement by senior administration officials and the President himself, the Administration has succeeded in prompting the authors of the detainee provisions to make several important changes, including the removal of problematic provisions. While we remain concerned about the uncertainty that this law will create for our counterterrorism professionals, the most recent changes give the President additional discretion in determining how the law will be implemented, consistent with our values and the rule of law, which are at the heart of our country's strength. This legislation authorizes critical funding for military personnel overseas, and its passage sends an important signal that Congress supports our efforts as we end the war in Iraq and transition to Afghan lead while ensuring that our military can meet the challenges of the 21st century.

As a result of these changes, we have concluded that the language does not challenge or constrain the President's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the President's senior advisors will not recommend a veto. However, if in the process of implementing this law we determine that it will negatively impact our counterterrorism professionals and undercut our commitment to the rule of law, we expect that the authors of these provisions will work quickly and tirelessly to correct these problems.

Mr. LEVIN. Again, I want to thank all of my colleagues who participated in this debate.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The question is on agreeing to the conference report.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—86

Akaka	Graham	Mikulski
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Hatch	Nelson (NE)
Baucus	Heller	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (MA)	Johnson (WI)	Schumer
Brown (OH)	Kerry	Sessions
Burr	Kirk	Shaheen
Cantwell	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Webb
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Gillibrand	Menendez	

NAYS—13

Cardin	Franken	Risch
Coburn	Harkin	Sanders
Crapo	Lee	Wyden
DeMint	Merkley	
Durbin	Paul	

NOT VOTING—1

Moran

The conference report was agreed to.

MR. LEVIN. Madam President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF H.R. 1540

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 92, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 92) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to, and the motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume

consideration of the Christen nomination.

Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. The Senator from Rhode Island asks that all time be yielded back. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—95

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden
Feinstein	Menendez	

NAYS—3

DeMint	Vitter
Paul	

NOT VOTING—2

Kerry	Moran

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the vote on the nomination of Morgan Christen, of Alaska, to be U.S. circuit judge for the Ninth Circuit. If I were able to attend today's session, I would have supported the Christen nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

40TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. BEGICH. Madam President, I come to the floor to first say ''thank you'' to my colleagues for supporting an incredible judge, but I also come to the floor today to mark an anniversary. December 18, 2011, marks the 40th anniversary of a truly historic date for the first people of Alaska—passage of the Alaska Native Claims Settlement Act. To mark this historic occasion, Senator MURKOWSKI and I have submitted a Senate resolution to formally celebrate the success and contributions of Alaska Native people and their corporations. We will be asking for the unanimous consent of our colleagues to adopt this resolution at a certain point.

Over the past 40 years, Alaska has witnessed astonishing economic growth resulting from ANCSA. This has benefited not just Native people but all Alaskans. This historic piece of legislation allowed a new group of people who for centuries were economically disadvantaged to enter into the business world and to become economic leaders. Under ANCSA, they have contributed to the State and national economies in unprecedented ways. ANCSA has two primary goals: to resolve longstanding issues surrounding aboriginal land claims in Alaska and to stimulate economic development.

Many Alaskans led the charge on creation and passage of the claims act. My father, the late Representative Nick Begich, was one of them. There were many new Native leaders involved—Willie Hensley, John Borbridge, and other young advocates who very quickly engaged in this historic Native rights legislation.

Today, I would also like to recognize all the wives, daughters, sisters, secretaries, and other powerful women who contributed to the passage of ANCSA. Many of them may not have received formal recognition of their contributions, women such as Marlene Johnson, who played an instrumental role in the creation and passage of ANCSA. She spent countless hours flying to and from southeast Alaska and Washington, DC, leaving behind her full-time job and five children, doing her part to see ANCSA move through Congress. To engage in negotiations, Alaskans would fly for days to get from Barrow or Fairbanks or Kotzebue to Washington, DC. Many of them camped out on couches and floors in Washington for months to get it done.

Today, Alaska Native corporations are tremendous economic drivers not only for Alaska but for the entire United States and even internationally. In 2010, 8 of the 10 most profitable businesses in Alaska were Alaska Native corporations. Of the five that topped $1 billion, all were Native corporations.

Cash dividends paid to corporation shareholders continue to be a very important source of income for many Alaska Native individuals and families. In total, dividends paid by Alaska Native corporations to their shareholders rose by 39 percent from 2009 to 2010, up to $171 million.

These dividends serve Native families in many ways. In some cases, they help provide basics, such as food and heating fuel or supplies and equipment to continue their subsistence way of life. For other families, shareholder dividends go into college savings accounts or new startup businesses. Sometimes they simply help offset the costs of caring for their aging loved ones.

For the business owners everywhere, Native and non-Native alike, shareholder dividends provide a major economic boost. Today, Alaska Native corporations and their subsidiaries are providing thousands of jobs across the United States. These corporations provide job training and scholarships and other support to create new opportunities for young shareholders and their descendents. The corporations also offer meaningful internships to help young Alaska Natives build longstanding professional careers within the corporate structure. Elders, the most respected people in the Native communities, receive special assistance and financial support from their corporations.

Clearly, 40 years later, many Alaska Native corporations have matured to become business leaders. Unfortunately, many others and the Alaska Natives they represent have not all had great success—yet.

The Alaska Native Claims Settlement Act was one approach, an experiment to meet America's treaty obligations to the first people of this country. I will continue to support the Alaska Native tribes while also strengthening the capacity of the Alaska Native corporations.

Now we look forward to the next 40 years of ANCSA. I call on my colleagues in this Chamber to work together to help all American Indian and Alaska Native people gain their economic independence. Through ANCSA, we see this happening in Alaska. Alaska Native groups are proud of their culture and heritage but also of their business success. We all should be proud of this success.

In Alaska, we innovate. We rely on fresh approaches to solve our unique challenges. The Alaska Native Claims Settlement Act is such an example. It was a monumental act of Congress—one my father pushed forward and I know is profoundly successful and one that today I profoundly defend.

With our national economy in its current state, we need more of this in America. We need to lift our people to build capacity and to allow the first people of this Nation to succeed. When that happens, we all benefit.

Madam President, Senator MURKOWSKI and I ask you and our colleagues to support this resolution to recognize and honor the impact and importance of the Alaska Native Claims Settlement Act. More important, it honors Alaska's first people and their extraordinary accomplishments over the past 40 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

NOMINATION OF MORGAN CHRISTEN

Ms. MURKOWSKI. Madam President, I feel as if this is a little bit of Alaska day here. We just celebrated the very successful nomination of Morgan Christen to the Ninth Circuit. I am really quite proud of Morgan and her accomplishments. As an Alaskan and as an Alaskan woman, to achieve what Morgan has achieved, to be the example she has set makes me quite proud today. So I am pleased the Senate gave her such a resounding confirmation. This is quite significant for us, and Alaskans are feeling good today.

40TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Ms. MURKOWSKI. As Senator BEGICH mentioned, Alaskans are celebrating other occasions this week as well.

I rise today to speak about a resolution Senator BEGICH and I have submitted that recognizes December 18, 2011, as the 40th anniversary of the Alaska Native Claims Settlement Act. Our resolution recognizes and commends the significant achievements Alaska Native people have made over the past 40 years through their congressionally created Alaska Native corporations.

Not only has the Alaska community risen to the challenge of creating sustainable businesses, but they have created employment opportunities for our Nation's citizens really across the country—not just located in the State of Alaska but really all across our country and through the world. Alaska Native corporations continue to make significant contributions to their communities, our Nation, and the global economy, and for this they should be commended and they should be applauded.

Our resolution encourages the citizens of the United States to acknowledge and support the leadership and continued efforts of Alaska Native people in managing their resources through the Alaska Native corporations. The resolution also sends a strong message of support to thousands of Alaska Native youth from across the State who are working and contributing positively to their families and to their communities, focusing their efforts on earning a college education, participating in cultural activities, and realizing a dream that they may one day earn places of leadership within their own corporations. Their efforts are recognized and appreciated.

Over this coming weekend, Alaska Natives and advocates from across the United States will participate in community dialogs and celebratory events to reflect upon what has been accomplished over these past 40 years since passage of ANCSA. Participants will focus on the next steps that are needed to improve upon the continued success and the unity of Alaska Native tribes, villages, and our corporations.

Through their participation and commitment to management of their resources through the vehicle of Alaska Native corporations, many young Alaska Native people will embark upon a lifetime journey of service, community engagement, and philanthropy. Alaska Native corporations have afforded a unique opportunity for Alaska Native people to gain valuable insights into the business world, while maintaining thoughtful focus on issues concerning Alaska Native tribes and communities.

The next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement, and through their dedication and enthusiasm, the next generation of leaders honors the previous generation of Alaska Native leaders who really worked so very diligently to achieve the passage of the most significant Native lands settlement in our Nation's history.

In addition to all of the very remarkable young people who will one day be managers and policymakers of their Native corporations, I honor the work of those who contributed to the success of the passage of the Alaska Native Claims Settlement Act. It was no easy feat negotiating this very complex piece of litigation. It took the drafters years for the settlement to be discussed, to be interpreted, analyzed, debated, negotiated, and finalized. It was truly an accomplishment.

While no piece of legislation can claim perfection, the original drafters of the ANCSA bill worked tirelessly to achieve a fair and a just settlement for the native people of Alaska and the ever-evolving document has had a number of significant amendments that have considerably improved the original bill.

While a list acknowledging all of the Alaska Native leaders and advocates who worked on the act would prove impossibly long, I wish to recognize a few of the people who have since passed, who played an instrumental and an unforgettable role in its passage.

First, U.S. Secretary of the Interior, Secretary Udall. I had both TOM and MARK UDALL sitting right in front of me before I began my comments here. It is a tribute to him that he did so much in his service as Secretary of the Interior. Also our own Senator Ted Stevens and his efforts; U.S. Congressman Nick Begich, who was instrumental in passage of ANCSA, and Morris Thompson, who is an Athabascan out of the Koyukon area. It was back in 1966 that Stewart Udall, who was Secretary of the Interior then, responded to pleas from Alaska Native groups, imposed a ''land freeze'' on all land in Alaska under Federal control, which amounted to about 96 percent of all the land in the State at the time. Secretary Udall helped develop a program for solutions to the Native land claims issue throughout the State. Although ANCSA at that time was still in its infancy, the freeze prevented the transfer of all remaining Federal lands and would remain in effect until the Native land claims were resolved. Without that freeze, the Alaska Native people might have won their claim but they may not have had lands to select.

Senator Stevens, in his role, called his work on the unprecedented landmark legislation of ANCSA his Senate baptism of fire. In a 1991 newspaper article, the Senator is quoted as saying that he believed a settlement could be achieved because of his ''faith in the determination and the unity of purpose of Alaska's Native people.'' Senator Stevens was one of the advocates who pushed for the 40-million-acre land provision versus the 1 million acres the White House had initially proposed.

With threats looming that subcommittee sessions would be called off, which would effectively end a negotiated settlement, Congressman Nick Begich played a key role in keeping the legislative process moving. By the end of the negotiations, the subcommittee package was a tribute to the Congressman's role as architect of the House compromise. One veteran lobbyist said:

> It is the best individual achievement I have ever heard of for a freshman Congressman.

I would be remiss in not mentioning the very unforgettable Morris Thompson. At 34 years old, Morris was the youngest commissioner of the Bureau of Indian Affairs. He held a Cabinet position in the Nixon administration and,

with his Interior Department positions, Morris was very deeply involved in passage of the ANCSA at the time. He was a prominent leader in the Native, corporate, and political worlds. He was known for a good sense of humor, wit, and wisdom, but was also a very savvy businessman who led Doyon, which was an Alaska Native regional corporation, to great success. His lifelong commitment to the people and progress of Alaska truly lives on in his legacy.

I am proud of all these people. I value their idealism, their energy, dedication, and unique perspectives they brought to the table in working toward the initial crafting of the Alaska Native Claims Settlement Act.

I thank Senator BEGICH for standing with me to submit this important resolution that acknowledges the hard work of the Alaska Native people in the success of their Alaska Native corporations on this 40th anniversary of passage of the Alaska Native Claims Settlement Act. I know Congressman YOUNG joins with us in celebrating this anniversary as well.

HONORING RAY MALA

Since, as I mentioned, we are working a little bit on Alaska Day, I wish also to take a couple of moments here to recognize yet another Alaskan leader, truly an Alaskan legend. Two days after Christmas of this year would have marked the 105th birthday of an Alaska legend, Ray Mala. Despite insurmountable odds, Ray Mala dared to dream and he went on to become our Nation's first Native American international film star. He would have been 105, or he will have been, 2 days after Christmas, but he was our Nation's first Native American international film star. He was born in the remote village of Candle, to an immigrant father of Russian Jewish descent. He was fluent in both English and his mother's native language of Inupiat. He was a skilled hunter. He learned the Inupiat ways from his maternal grandmother, Nancy Armstrong, and while the family lived a traditional lifestyle, Mala learned to walk in both the traditional and modern worlds. Facing poverty, Mala was a very accomplished hunter, using a bow and arrow to catch whatever food he would bring home. Wearing a handmade fur parka, he and his grandmother would traverse through harsh arctic storms in pursuit of subsistence land animals. When they would return home, Mala would pour himself into academic studies at the local school, always striving to improve himself.

At age 16 he made his acting debut in the film ''Primitive Love.'' Mala was initially hired as a laborer on the remote film set there in the State, but film makers discovered his natural talent behind the camera and, as I say, the rest is history. He was bitten by the acting bug. Mala set out for Hollywood. He worked his way up from sweeping the stage floors to being an assistant cameraman at Fox Studios.

Initially he was turned down for any leading roles because of the his mixed Eskimo-Jewish heritage, but Mala landed his first role in the silent film ''Igloo,'' which was shot in Barrow, AK. The film's success earned him the title of the Eskimo Clark Gable.

In 1932, Metro-Goldwyn-Mayer, MGM Studios, sent a film crew from Hollywood to Nome. My mother was born in Nome in 1932. Nome was a pretty interesting community back there, still very rough around the edges, but they sent a film crew to Nome to begin shooting the film that would thrust Mala into stardom. MGM struck gold with the film ''Eskimo,'' a film also called ''Mala the Magnificent,'' the first full-length feature film ever shot in Alaska. Mala became Alaska's first Hollywood film star and also the first nonwhite actor cast in a leading role. Over the span of his career, Mala would appear in over 25 films, all the while winning devoted fans across generations, across cultures—they loved him. His widely acclaimed role in ''Eskimo'' would earn Mala his place in Hollywood history.

He was more than an actor. He also excelled in cinematography and screenwriting. Keep in mind, this is a young Eskimo boy, raised in the traditional ways back in the early 1900s. Not only is he picked up by Hollywood and is a phenomenal actor, but he also excels in cinematography and screenwriting. He worked on films with many legendary filmmakers, including Alfred Hitchcock and Cecil B. DeMille. But his blossoming career was cut short by his death at age 45 due to heart complications. Mala faced many challenging personal circumstances, such as racial discrimination, at a very early age. But that did not prevent him from achieving both personal and professional excellence. I am sure he would be very proud to see that his grandson was following in his acting footsteps.

This year, in her newly released book ''Eskimo Star,'' author Lael Morgan chronicled the inspirational life story of Ray Mala, and the State of Alaska hosted a Ray Mala film festival celebrating Mala's films in community theaters from Juneau all the way up to Point Hope.

It is a great honor for me to reflect on the life of this inspirational Alaska Native icon, and to offer a tribute to his spirited and very triumphant journey from small-town village boy to silver screen leading man. Alaskans look forward to the day when Ray Mala's magnificent star might be posthumously added to the Hollywood Walk of Fame, a tribute to the Nation's first ever Native American film star.

It is a good way to end our Alaska day series. I appreciate the indulgence of my colleagues.

I yield the floor.

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

THE ECONOMY

Mr. GRASSLEY. Mr. President, it seems the President of the United States has finally acknowledged that the economy is in a terrible state and there is nothing he can do about it. So, rather than offer new ideas to grow the economy, the President has now shifted into blame mode. I recognize that the slow economic growth and high levels of unemployment are having a significant impact on the middle class. But rather than listen to political rhetoric and witness finger pointing by President Obama, the unemployed would likely prefer ideas, ideas on how to turn this economy around.

I presume President Obama aspired to lead the country because he believed he had the vision and the ability to lead to a more prosperous nation. But beyond the vision, a President also needs a plan and the leadership to put that vision into place. Where is that leadership? During the past 3 years, we witnessed President Obama's theory on economic stimulus. We saw a massive expansion of government and deficit spending. More than $800 billion was spent on a failed economic stimulus bill that was supposed to keep unemployment below 8 percent. But it did not. Government spending in the process has reached an unprecedented level. Today, the size of government, if you combine local, State, and Federal, is 40 percent of our gross national product. One hundred years ago when Teddy Roosevelt delivered his speech in Kansas, it was 8 percent. I refer to Teddy Roosevelt and the speech in Kansas because the President of the United States now tried to duplicate that speech 100 years later.

Today, government consumes 40 percent of the entire economy. According to economic policies of President Obama, government needs to grow even bigger to help our economy, and in the process there is a goal to use government to redistribute wealth. If government gets a little bit bigger, the argument goes, and if it gets a little more involved, and particularly if it gets involved in every facet of our economy and our lives, that will surely increase economic prosperity of all Americans. Right?

Of course not. All of this has led to taxes and deficit spending that crowd out private investment that could grow the economy and, in the process, create jobs. Government doesn't create self-sustaining jobs; government only creates government jobs. The private sector creates jobs. It is the responsibility of the government to create an environment that leads to job growth. It does this by instituting the rule of law, property rights, the patent system, among others—and there are a lot of others I ought to add to it. Government sets the tone.

Remember, government consumes well, it does not create well. Through economic freedom, entrepreneurs are free to innovate and prosper. This economic success leads to higher standards of living and a better quality of

life. Importantly, these gains do not come then at the expense of others. Contrary to what some would have you believe, business growth does not have to come at the cost of others. In other words, it is not a zero sum game. In fact, business success and economic growth lifts all boats through employment gains, higher wages, and value to consumers, among a lot of other things that could be mentioned.

There are some who believe that individual success cannot be achieved without government involvement or intervention. What is more, they believe an individual's success must mean that someone else has been deprived or they believe if someone else is successful, the success was achieved collectively only with the help of government or others in society. This line of thinking concludes that government and society is, therefore, entitled to some of those achievements.

President Obama's recent speech in Kansas provides great insight into his economic theory. He clearly believes government should be involved at every level of individual and business activity. The President says that hard-working Americans should be rewarded for their achievements. However, his economic vision demonstrates his belief that individual success is due to society, not because of hard work or individual effort. This line of thinking is in stark contradiction to our country's founding principles that government exists to allow for the individual to achieve success and the pursuit of happiness.

The idea of government intervention runs contrary to our founding principles of individual and economic freedom. Government exists to serve the needs of people rather than people serving the needs of their government. There are some who believe government is the only creator of economic prosperity, but if others have achieved success, they must be, by default, the cause of other people's hardships. This type of class warfare demagoguery is harmful to our country and our country's future and our people's future, and it has the end result of dividing America. It creates envy, hatred, and resentment toward those who have worked hard, played by the rules, and achieved success. This divisive rhetoric seeks to put blame on the successful for the hardships of those who have been hurt during this recession.

Most Americans don't support President Obama's divisive vision and rhetoric. The American people still believe if you work hard and play by the rules, you can be successful and you can flourish. I doubt the majority of Americans believe it is the goal of government to intervene in this process. In fact, most Americans would be happy to have the government get out of the way. Most Americans believe in individual responsibility and liberty, including freedom to succeed and freedom to fail.

It appears President Obama's commitment to these fundamental freedoms is less sure. Based on his recent speech in Kansas, it seems the Federal Government is the answer to all of America's problems. According to the President, if we tax the wealthy, ensure they pay their fair share, we can get our economy back on the right track. President Obama wants the American people to believe higher taxes on job creators will lead to economic prosperity and create jobs. This is contrary to what Republicans know to be true. It is also contrary to the vision President John F. Kennedy knew to be true when in the 1963 tax bill he reduced the marginal tax rates very dramatically. President John F. Kennedy recognized the economic benefits of lowering taxes, so in his State of the Union Address on January 14, 1963, President Kennedy spoke of the need to increase economic growth and job creation. He stated:

> To achieve these greater gains, one step, above all, is essential—the enactment this year of a substantial reduction and revision in the Federal income taxes . . . A net reduction in tax liabilities . . . will increase the purchasing power of American families and business enterprise in every tax bracket.

He further stated:

> It will, in addition, encourage the addition and risk-taking on which our free enterprise system depends—induce more investment, production, and capacity use . . . and reinforce the American principle of additional reward for additional effort.

It is worth repeating. President Kennedy pushed for lowering Federal income taxes to encourage initiative and risk-taking to induce investment, production, and economic growth. President Kennedy recognized and believed in the American principle of additional reward for additional effort.

It seems to me, from the speeches that have been made recently, that our President—meaning President Obama—disagrees. It seems to me that he argues innovators and job creators should be subjected to punitive tax increases for being successful. He seems to believe economic growth will come by confiscating the wealth of job creators and sending that money to Washington, and I could not disagree more.

For Americans to prosper, we must first reduce the size of government. This year the Federal Government will spend about 24 percent of our gross domestic product. This type of spending has led to annual deficits above $1 trillion for the past 3 years. The total debt stands at over $15 trillion. This is 100 percent of our gross domestic product. The size of government, the size of deficits, the size of debt, and the size of interest payments are unsustainable over the long haul. We must reverse course.

Second, we must work to reform the Tax Code to provide certainty and predictability. Nearly every day our President is on the campaign trail talking about tax increases. It is no wonder our job creators, particularly small businesses, are reluctant to make business decisions or investments in this climate, which decisions we would hope if they would make them would obviously lead to a great deal of job creation in the private sector. This country doesn't need more taxes, we need more taxpayers, and the way to get more taxpayers is to have more people working.

The President's threat of higher taxes is directly inhibiting job growth and economic expansion. It is time for President Obama to recognize that with 13 million Americans unemployed and anemic economic growth, tax increases will harm, not help, economic recovery.

Finally, we had a recent Gallup poll finding that compliance with government regulations is the single biggest issue facing small business owners today. You might think we would emphasize the Fortune 500 big corporations when it comes to creating jobs, but we know that 70 percent of the new jobs in America are created by small business, so we ought to be concentrating on what small business people are telling us about the economy not turning around.

Small business owners, when it comes from the standpoint of regulations, need to spend less time and money making sure they comply with burdensome and needless Washington regulations. Those valuable resources should be spent growing their business, hiring more workers, and as a result growing our economy. We must halt the Federal Government regulations binge. For many of these new regulations, the cost of compliance outweighs the public benefit. They are acting like a wet blanket on our economy. There should be a moratorium on new regulations.

I want to give you a perfect example that is now an issue before the Congress, the Keystone XL Pipeline. At a time of high unemployment and energy costs, the Federal Government should not be standing in the way of private investment that will create jobs and increase our energy supply. It is unconscionable that the largest private shovel-ready construction project is being delayed by President Obama's decision to override two different studies by the State Department and that there was no negative environmental impact. It seems the only jobs President Obama is interested in creating are government jobs or government-subsidized jobs. The unfounded delay should be ended and the pipeline project should move ahead.

This situation typifies the Obama philosophy that the free market and intelligent Americans are incapable of making informed decisions. The argument we hear is that Americans are not smart enough to know we need solar energy rather than fossil fuels. So our big government caretaker uses ½ billion in taxpayer dollars to support a solar company while simultaneously blocking an entirely private enterprise from developing an oil pipeline that will make us much more energy independent. We have seen how the decision by the government elite to support

Solyndra has worked out. It was a complete failure.

It is time we got out of the way of the Keystone Pipeline. I hope the American people will dismiss the economic theories and visions of our President as he seeks to divide our country. I believe we can achieve a prosperous future by empowering individuals rather than our Federal Government. Americans are smart enough to put their trust in themselves and their neighbors, not in bigger government. It is time to end the political blame game and divisive rhetoric and, instead, work on genuine and real policies that will create economic jobs and, more importantly, economic growth that is going to help all Americans; in other words, expanding the economy because this does not have to be a zero sum gain. We can have more for more people, and if we don't have more for more people, we are going to have less for more people and everybody is going to lose out.

Mr. MERKLEY. Mr. President, we are in the midst of an important debate over whether we will allow all working Americans to be hit with a big tax increase next year.

This is a critical measure of relief for our working families in these tough times. During the aftermath of the most severe recession since the Great Depression, many middle-class Americans cannot afford to lose the $1,000 the average family receives from this tax cut. Furthermore, economists across the spectrum believe that extending the payroll tax cut is a critical step in building momentum toward a stronger recovery and minimizing the chances that our economy could slip back into recession.

While keeping working Americans from being hit with this tax increase is our first and most important priority, we must also look to what is best for our economy when deciding on offsets for the cost. The offset in the bill that we voted on 2 weeks ago made good sense: asking millionaires and billionaires to fund a fairer share of our national budget. I am concerned, however, about a new offset provision in S. 1944 that increases the guarantee fee on mortgages backed by Fannie Mae and Freddie Mac. I am very wary of placing additional costs on new mortgages given the ongoing crisis in the housing and mortgage markets. Moreover, if there is such a fee increase, it should be used to strengthen our battered housing market.

I look forward to discussing other offsets with my colleagues as we continue this debate. This much is clear: Keeping this tax cut in place is a huge factor in the success of our working families and a huge factor in the recovery of our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

FEDERAL WORKERS

Mr. CARDIN. Mr. President, it is time for Republicans to end their war on dedicated, hard-working middle-class Federal employees. Who are these Federal workers? They are the Veterans' Administration's nursing assistants who care for our wounded warriors; the Department of Defense civilian employees who support our military troops at home and abroad; Social Security Administration claims representatives who process benefits to our Nation's senior citizens and people who qualify for disability payments. They also include Nobel prize-winning scientists who are conducting groundbreaking research at the National Institutes of Health and the National Aeronautics and Space Administration on everything from fighting cancer to understanding the origins of the universe; the Environmental Protection Agency and Food and Drug Administration staff who keep our air and water clean and our food and drugs safe; the Federal Aviation Administration's air traffic controllers who keep the skies safe; also, the Department of Justice, Federal Bureau of Investigation, and United States Marshal Service attorneys and law enforcement officers who track down and arrest and convict terrorists and drug cartel and gang members.

The list of those who are on the front line of public service goes on and on. Federal employees are dedicated and hard-working, and like many other Americans, many of them are struggling to deal with their family budgets. And yet Federal employees are already contributing $60 billion to the deficit reduction through a 2-year pay freeze.

They have already contributed to deficit reduction. They were the first in line to try to help balance our budget.

Like their private sector counterparts, Federal employees haven't been immune to the country's economic woes. They are confronting similar hardships: disabled or unemployed spouses, declining home values, rising gasoline and living expenses. Many Federal employees head single-parent families. As do other Americans, many Federal employees struggle to pay their mortgages and find ways to send their children to college.

H.R. 3630, the House Republicans' payroll tax cut bill, would require 2 million Federal employees to shoulder nearly one-half of the cost of a tax reduction that benefits 160 million Americans. So what the Republican bill is doing is extending the payroll tax reductions for working families, but saying to the middle-class Federal worker: You are going to pay most of the burden. That is not going to help our economy. That is not the right way to extend the payroll tax reduction.

The current Republican assault on our Federal employees is piled on top of the current 2-year pay freeze, which is piled on top of a workforce already lagging behind the private sector when it comes to pay. According to the nonpartisan Congressional Research Service, average wages among all workers in our economy have risen over 600 percent since 1969, while salaries for civilian Federal employees have grown by a little over 400 percent since 1969. There is a widening gap between public sector employees and the private sector.

What these proposals would do is widen that gap even further.

Republicans want to extend the current pay freeze for another year. That would cost a Federal employee who makes $50,000 annually about $800 a year. A 3-year pay freeze would cost GS–5 employees almost $4,000 in cumulative lost salaries; for GS–7 employees, almost $5,000 in cumulative lost salaries; and for GS–9 employees, almost $6,000 in cumulative lost salaries.

The Republican bill would require massive increases in the contributions current and future Federal employees make to their retirement system—a system that is currently fully funded—while slashing benefits. That is rubbing salt in the wound of the additional pay freeze. So the Republican bill takes a 2-year pay freeze and adds a third year pay freeze and tells our employees to triple their contributions to their retirement system, which is another pay cut. It is not only a freeze, Republicans are proposing. It's a pay cut for our Federal workers.

In addition to these assaults, we are already asking the federal workforce to do more with less. As my colleagues have noticed, when it comes to job growth numbers, the public sector numbers aren't going up; they're going down. But the workload isn't going down. We are asking our Federal workers to do more with less, to have a 2-year pay freeze, and now to take a pay cut. That is not fair.

The Republicans save their most severe punishment for future Federal employees, making it clear that their intention is to provide as many disincentives for people to consider a career in public service as possible. Increasing pension contributions for future hires by 3.2 percent would force an employee making $30,000 a year to pay $1,200 rather than $400. We should be embracing people who are willing to engage in public service. The Republicans are doing just the opposite.

It is time for the Republicans to stop their war on hard-working Federal employees. Increasingly, the Federal workforce is being asked to do more with less. Increasingly, the Federal workforce is being asked to shoulder a disproportionate share of deficit reduction. It is time to stop that assault. I think it is time we all properly recognize the dedication, hard work, valor, sacrifice, and professionalism of our Federal workers.

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

I withdraw my request.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, in the past 3 weeks I think I have come to the floor three times to discuss the case on the President's health care reform bill: one time to discuss the constitutionality of the individual mandate and another time to deal with the severability clause. I come now to speak about the unconstitutionality of the massive expansion of Medicaid. Those are three of four issues that the Court is going to deal with. My colleagues probably remember the Court has extended the period of time they normally deal with arguments before them from 1 hour to 5½ hours because this is such a very important case.

Today I wish to talk about the far-reaching implications of this mandate, but also about the constitutionality of the Medicaid expansion. If the Supreme Court rules the individual mandate unconstitutional, it will have the effect of striking down this new law that has not been fully implemented. If the Supreme Court rules that the Medicaid expansion and the Affordable Care Act is unconstitutional, it has the potential to cause significant changes in a program that has been in operation for the last 46 years.

Just to remind everybody about Medicaid, it was created in 1965 at exactly the same time Medicare was created. Where Medicare was created to provide health care coverage for our senior citizens, Medicaid was created as a safety net for low-income individuals. Medicare is run exclusively by the Federal Government. Medicaid is a Federal-State partnership. The Federal Government sets the parameters of the Medicaid Program. It pays at least half of the program in every State but then turns the functional operation of the Medicaid Program over to the States.

In the 46 years since both programs were created, eligibility for the Medicare Program has been essentially unchanged. On the other hand, eligibility for the Medicaid Program has expanded significantly through the years and, with that, the program has grown dramatically as well.

Medicaid, when it was created, covered fewer than 5 million. Today, the Medicaid Program currently covers nearly 57 million. The program spends more than $300 billion each year.

Medicaid has expanded so dramatically for two reasons. First, at various points in the last 46 years Congress has mandated that the States increase eligibility and services for the program. Second, Congress has also given the States the option to expand their eligibility. When Congress gives States the option of expanding their eligibility, States can expand and the Federal Government will still provide its proportionate share of Federal dollars.

For instance, one of the programs I helped get passed with Senator Kennedy from Massachusetts when he was a Member of the Senate was a program that allowed some help for families who had particularly high health care costs for kids—something that was just catastrophically high. That is just one example.

The decision to expand is up to the States. When Congress mandates the States expand eligibility, States can either expand their programs or forfeit all Federal funds for the program.

Now, this is what we call an all-or-nothing requirement. It has been used in every expansion of the program. The all-or-nothing requirement on States has not only been used to expand eligibility within the Medicaid Program, but it has been used to expand services and require changes in the administration of the program.

If the Federal Government wants States to cover podiatrists in Medicaid, the Federal Government can mandate States to do so. If a State doesn't do it? Withhold all Federal dollars to that State. If the Federal Government wants States to implement a secondary payer program to ensure that services are being properly paid by private dollars, the Federal Government can mandate States to do so and withhold every Federal dollar if that State refuses to go along.

It has been a staple of the program for 46 years that the Federal Government can require States to do certain things in Medicaid. Now comes along the Affordable Care Act. That act requires States to expand their Medicaid Program to cover all individuals up to 133 percent of the poverty level. It is the first expansion of Medicaid's mandatory eligibility groups since the all-or-nothing expansion in the bills of 1989 and 1990. Those were both reconciliation acts.

It is this all-or-nothing requirement that States are challenging and that the Supreme Court will consider next year and has given a certain portion of the 5½ hours just to debate this issue. So I think that means the Supreme Court thinks this is a very significant issue they are being asked to consider.

So I would like to describe the arguments being made by the States that this is an unconstitutional use of congressional power. The States argue that the 10th amendment limits the power of Congress to coerce States to accept Federal funds as opposed to providing inducements. The States argue that a restriction on Federal funds compels rather than induces if its burdens and losses as they affect vital ordinary State functions are too burdensome and costly. So I quote from their position:

> By conditioning all of the States Federal Medicaid funding—for most States, more than a billion dollars each year—upon agreement to substantially expand their Medicaid programs, the Affordable Care Act passes the point at which pressure turns into compulsion and achieves forbidden direct regulation of the States.

The part of the quote which says it is at the point where pressure turns into compulsion makes the act unconstitutional because it has always been a principle that the Federal Government can put certain conditions on States, but if it reaches a point where the State has to do it, in this case the States say: You have really gone too far.

The Affordable Care Act withholds all Federal dollars, then, from States that refuse to submit to the policy dictates of the Congress. Medicaid accounts for more than 40 percent of all Federal funds that States receive. States spend on average 20 percent of their State budget on Medicaid. Federal funds cover, on average, 57 cents of each dollar spent on the program because previously I said the Federal Government gives every State at least 50 percent, but the average of all 50 States is 57 percent of the Medicaid dollars coming from Federal dollars.

In my State of Iowa, for instance, I think it is 63 percent from the Federal Government and 37 percent of State funds. So the loss of all Federal Medicaid funding would obviously be devastating to the States.

The States maintain that the law's expansion of Medicaid was deliberately designed to force the States to agree to expand the program because of the threat that a State's entire Federal funding stream would be cut off if they decided not to go along with decisions made in Congress. In the harshest terms, they were made an offer they could not refuse. Further quoting from the States' argument:

> The Affordable Care Act essentially holds the States hostage based on their earlier decision to establish a Medicaid infrastructure and accept federal funds subject to different conditions.
>
> The Affordable Care Act uses the States' decision to accept earlier federal inducements against them, and, in doing so, presents states with no real choice: they must abandon completely the existing Medicaid system and funding or accept the radical new conditions. This amounts to a massive bait-and-switch.

The States are arguing to the Supreme Court that there is no way the States can turn down a Federal inducement as massive as all Medicaid funding.

This is especially true because the effect of declining is that the State's own taxpayers have to pay the full cost of providing health care for the neediest citizens of the State and, at the same time, provide the Federal Government taxes for Medicaid funds that would be distributed to pay for the program, including expansion in the other 49 States.

Since no State could make taxpayers fund the State and Federal portions of Medicaid, while also taxing their citizens to pay for Medicaid in the other 49 States, it is a phony choice, not a real choice, for the States to turn down the money to expand their Medicaid Programs. In other words, the States are being compelled to do so.

The States argue that giving notice of the coercion they face does not make the choice any less coercive, and they argue that when States originally accepted Medicaid, they were not

warned that their participation would put them at the mercy of any future unpredictable congressional demands.

The States are arguing Congress can change Medicaid, and Congress can condition the funding for those changes on State agreement to them.

But it cannot force changes on the States by threatening them with the loss of the entirety of Federal funds.

Although the Federal Government will pay the vast majority of the cost of expansion, the States also point out that coercion turns on the financial inducement that Congress offers, not the amount a State is coerced to spend.

The critical issue is what is referred to as the ''coercion doctrine.'' The coercion doctrine protects the States' decision whether the inducement is worth the cost.

Among the controlling cases is South Dakota v. Dole in 1987. The Supreme Court there upheld a Federal law that threatened States with the loss of 5 percent of Federal highway funds if they did not raise their drinking age to 21.

Remember, that was only 5 percent of their road funds, not 100 percent of their road funds, as in the case of the all-or-nothing in the case of Medicaid, where if you do not go along, you are going to lose everything.

So in that Dole case, writing for the majority, Chief Justice Rehnquist noted:

> Our decisions have recognized that, in some circumstances, the financial inducement offered by Congress might be so coercive as to pass the point at which ''pressure turns into compulsion.''

In the years since the Dole decision, Federal courts have yet to establish a clear test for coercion. I assume that is what could happen if they would overturn Congress's decision; that there would be a clearer test of coercion in this Affordable Care Act.

The Supreme Court will be challenged in this affordable care act case to determine where the limits of Federal coercion, if any, lie.

It is difficult to overstate the potential implications of this particular aspect of the affordable care act in the case that is being appealed.

There are three specific ways this decision could have a profound impact on Federal policy if the Supreme Court rules in favor of the States.

A ruling for the States could affect future Medicaid policy, current Medicaid policy, and broader Federal-State partnerships.

The expansion of Medicaid in the Affordable Care Act was written to minimize the cost to the States. The Federal Government pays for 100 percent of the cost of the Medicaid expansion in the first few years, before transitioning to an approximately 92-percent share of the cost of the expansion.

If the Federal Government cannot require expansion of the Medicaid Program and pick up 92 percent of the tab, what can the Federal Government require? Would a mandatory expansion be constitutional if the Federal Government permanently paid for 100 percent of the cost? Could the Federal Government mandate future expansions if they were much smaller in scope, such as in the 1989 and 1990 mandatory expansions under those reconciliation bills?

If the Federal Government wanted to require States to cover podiatrists or implement a secondary payer program, could it do so using Federal funds as leverage to require it?

A ruling in favor of the States would raise those questions.

Further, if the current mandatory expansion of Medicaid is unconstitutional, what does that imply for previous expansions and policies?

In the 1989 and 1990 acts, when Congress required States to expand eligibility for women and children, Congress did so without providing any additional funding to the States beyond their normal share, which in the case of Iowa today would be 63 percent Federal, 37 percent State.

If the Supreme Court rules in favor of the States, will previous mandatory expansions to Medicaid be subject to challenge? Will a State be able to challenge the existing enforcement mechanism of withholding Federal dollars if a State wants to ignore a service requirement or an antifraud provision? These questions will then have to be answered.

Finally, a Supreme Court ruling on a coercion test necessarily has broader implications for all Federal-State partnerships. The original Dole case was about transportation funding.

A Supreme Court ruling in favor of the States will necessarily bring into question every agreement between the Federal Government and the States where the Federal Government conditions 100 percent of the Federal funds on States meeting requirements that are determined in Washington, DC.

It is certainly possible that such a Supreme Court ruling could require future Congresses to carefully consider a coercion test in designing legislation.

A Supreme Court ruling in favor of the States in this case could not only jeopardize the mandated Medicaid expansion in the Affordable Care Act but could challenge the fundamental structure of Medicaid and have broader implications outside health care.

One may ask: Does the Supreme Court have this case before it—and why does it have it before it?—a case with such broad and far-reaching implications? It is because of a massive restructuring of our health care system in a partisan fashion, using nearly every procedural tool at the majority party's disposal in accomplishing the goal of passage.

The constitutionality of this law has been challenged in numerous courts throughout the country. These challenges will soon be heard before the Supreme Court. While most people want to focus on the individual mandate, it is important we do not forget the potential consequence of the Medicaid question before the Court.

It could, obviously, strike the expansion in the Affordable Care Act. It could hamstring future Congresses as they consider potential policies for the Medicaid Program in the future. It could threaten the fundamental structure of the Medicaid Program by bringing into question all the requirements on the States in the program today. It could require future Congresses to consider the structure of every Federal-State partnership.

We are here discussing this because the White House and the Democratic majority put their partisan goals ahead of collaboration with Republicans and States to build legitimate public policy—contrary to how most social policy in this country has been devised: Social Security, bipartisan; Medicare, Medicaid, bipartisan; civil rights laws, bipartisan—but not this Affordable Care Act, a partisan document.

Now we see that far more than this one specific policy is threatened. If the Supreme Court accepts the States' argument, a host of constitutional questions will surround the operation of many Federal funding streams to the States. It would be difficult to overstate the significance of such a ruling. I have outlined it was not necessary for the Congress to have taken action that might produce that result.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CUBA TRAVEL POLICY

Mr. RUBIO. Mr. President, there is a lot of conversation in the building today about one of the provisions that is holding up the omnibus; they are saying this is Cuba travel, families traveling back to Cuba. I have strong opinions about that as well. Suffice it to say that it is important to let my colleagues know what is being asked for in the omnibus, and what will be coming over here if it is kept in, will not prohibit families from traveling to Cuba. It will limit the amount that they can. That is a wise policy, one that I support, because it limits access to hard currency to a tyrannical regime.

I am here to talk about a different part of the Cuba policy, however, Cuban travel, which does not get a lot of notice these days, but it is part of conversations that are ongoing with the administration and the State Department with regard to some of the appointments they have in the Western Hemisphere, and that is the so-called people-to-people travel.

I have here in my hand an immediate release from January 14, 2011, titled ''Reaching Out to the Cuban People.'' It came from the President, where he announced a series of steps to continue efforts to reach out to the Cuban people in support of their desire to freely determine their country's future.

One of the changes they made is to something they call purposeful travel. It says here:

The President believes these actions—

Which I am about to describe—

combined with the continuation of the embargo, are important steps in reaching the widely shared goal of a Cuba that respects the basic rights of all its citizens.

Right here in this release—and I am glad he wrote it—the President is stating that in combination with the embargo, the steps that he wanted to take, the goal of these steps was reaching the widely shared goal of a Cuba that respects the basic rights of all of its citizens. That is the reason why he made these policy changes. So far so good.

Let me tell you one of the policy changes. It is called ''restore specific licensing of educational exchanges not involving academic study pursuant to a degree program under the auspices of an organization that sponsors and organizes people-to-people programs.''

What that means in plain English is this is not colleges or universities; these are organizations not for degree credits—educational in purpose, but not for degree credits. What we want to do is encourage them or allow them the opportunity to take Americans to Cuba under their auspices.

Again, remember, the goal here is to bring about, as the President stated, ''the widely shared goal of a Cuba that respects the basic rights of all of its citizens.'' That is the purpose of these trips.

I decided to look up some of these trips, and let's look at some of the itineraries. They are very interesting. Let me read you one. This one is from an organization called Insight Cuba. It is located in New York. I am not going to advertise their Web site. Let them pay for it. But I will tell you this. There is an itinerary for something called the Cuban Music & Art Experience. Sounds interesting, the Cuban Music & Art Experience. Let's go to some of the highlights.

Day 2 in Havana. You are going to get to meet with the Castro Ministry of Culture to learn how Cuba promotes the arts on this diverse island. You are also going to get to spend the evening—and this will become a familiar theme here—dusting off your dancing shoes, because tonight you are going to head off to Casa de la Musica. Here you will enjoy performances by local Cuban artists and, of course, dance. They put an exclamation mark after it. This is an important part of this trip. This is day 2 of this trip designed to promote, as the President wrote, ''the widely shared goal of a Cuba that respects the basic rights of its citizens.''

Day 3 is interesting too. You get to go to this place Casa de la Amistad, which basically means Friendship House. There you will meet with your Cuban ''host'' which I would bet you right now is members of the Castro government and perhaps enjoy another exciting musical performance. Then you spend the evening of day 3 back at Casa de la Musica for some incredible salsa music and dancing.

Day 4 is the real highlight of this trip. This is not to be missed. You get to fly to Santiago de Cuba. Guess where you get to visit. You get to visit a place called Quartel Moncada, which is basically an old army barracks where, on July 26 of 1952, Fidel Castro launched the Cuban revolution. You get to visit this place where Fidel Castro's revolution actually began. Imagine. I can see where that begins to further ''the widely shared goal of a Cuba that respects the basic rights of all of its citizens.''

Guess what you get to do at night. You guessed it. You get to spend the night at a music and local dance club to hear performances by Cuba's most popular artists and you get to dance. It goes on and on.

Day 5 has dancing.

Day 6, you get to visit the historic Granma Province, which is known as the birthplace of Cuban nationality. You get to meet with the Cuban Institute for Friendship Between the People, which is a very catchy title. That night, you get to spend the evening at Casa de la Trova to dance and take in a performance of Cuban artists. It goes on and on.

Day 7.

Day 8.

This is quite an adventure and in pursuit of the government of Cuba that respects the basic rights of all of its citizens.

Let me share another one. Before I get to one, I think this is another Insight Cuba one. This one takes you, on day 1—this is called the Havana Jazz Experience, and on day 1, it takes you to explore the famous Cathedral Square, the City Museum, and the Havana Club Rum Museum. This is part of this effort to bring about freedom and democracy in Cuba. You get to go there. At night, you go to the jazz club La Zorra y el Cuervo. There you get to do some of the best dancing you can ever imagine, in a very intimate setting.

Day 3 brings you to Cojimar, which is a village which is the setting for ''The Old Man and the Sea'' which won the Nobel prize for literature in 1954, Ernest Hemingway, very interesting. You get to sit there at night and then you do get to go up to the hills where you get to learn about the religion of Santeria, which is an Afro-Cuban religion. You get to learn all about that.

Then at night you get to go back to Havana—you guessed it—for dancing at a local jazz club.

Day 4, you get to go to the infamous now—I have already mentioned it before—Casa de la Amistad, a historic mansion, where you will have the opportunity to observe a forum regarding United States-Cuba relations put together by the Cuban government, very interesting, in pursuit of the goal of a Cuba that respects the basic rights of all of its citizens. You spend the night at a jazz cafe, where the seaside view is almost as impressive as the musicians who play there nightly. I am guessing now, I am not sure, but there might be some dancing involved on night 4 in Cuba.

Night 5 is quite interesting too, because there you get to learn from the actual Cuban musicians about the sensual and passionate rhythms of their music, and you round out the day with a 2-hour salsa class, in furtherance of freedom and democracy. That is trip No. 2.

There are a lot of these. There is one more. This one is good. This one is called ''Cuba for Educators: Ethics & The Revolution.'' So you go to Cuba to learn about ethics from the Castro regime.

On day 2 you get to visit the Museum of the Revolution where you will learn about the ethical foundations of the Cuban revolution. This is not to be missed. Clearly we want to learn about ethics from the Castro regime. Then you get to go to the Literacy Museum, where you get to learn about Cuba's war on illiteracy, which was one of Fidel Castro's goals in his 1960 speech to the United Nations.

Day No. 3, you get to meet the Ministry of Public Health, which I assure you is a government employee, because it sounds like it, Ministry of Public Health, and you get to discuss why revolutionary ethics demand free public health care, while our own society will not even consider it. Very interesting. It goes on and on. And, by the way, there is a bunch of dancing in this one too. But I think you get the point. This is run by a group called the Center for Cuban Studies.

Why do I say all of this? It is pretty simple. There is this sports show, I think it is on ESPN on Sunday nights where they review NFL highlights. Michael Irvin, who was a great player, has a segment called ''Come On, Man,'' where they put on some ridiculous things that happened during the day. He is like, ''Come on, man.'' When I look at this stuff, you know what I want to say? Come on, man.

This is about promoting democracy and freedom in Cuba? This is not about promoting freedom and democracy in Cuba. This is nothing more than tourism. This is tourism for Americans who at best are curious about Cuba and, at worst, sympathize with the Cuban regime.

You may ask: We are a free society. Why would we restrict that? Here is why. Because this is not just a source of irritation; this is a source of hard currency, of millions of dollars in the hands of the Castro government that they use to oppress the Cuban people,

and to jail and hold hostage an American citizen, who today is being held hostage in Cuba, Alan Gross. By the way, after they took him hostage, we implemented this policy.

So this policy is a reward for what? Here is my challenge to the administration and the State Department. I know you are not going to change your mind. I know you people in this people-to-people stuff. I know someone has sold you a bill of goods that this people-to-people travel is a good idea, it will further democracy and freedom in Cuba. I get that. You are not going to change your mind. But at least examine how this is being implemented, because this is a charade. This is an embarrassment. These people are getting licenses to conduct this outrageous tourism, which, quite frankly, borders on indoctrination of Americans by Castro government officials.

I hope we will continue to look at this, and that this administration, as part of its Western Hemispheric approach, will look at these trips for what they are. They are an outrage. They are grotesque. They are providing hard currency to a regime that oppresses its people, that jails people because they disagree with the government. It is wrong. This is not what we are about as a country. This cannot be what we defend. Even if you agree with this people-to-people theory and concept, you cannot justify how this program is being implemented, or these people who are getting licenses to conduct these kinds of trips.

I hope in our conversations with the State Department about their appointments in the Western Hemisphere, and specifically the nomination of Roberta Jacobsen, we will use that as an opportunity to examine how these programs are being implemented. Because, quite frankly, they are an outrage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 257, H.R. 3630.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 257, H.R. 3630, an act to provide incentives for the creation of jobs, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 257, H.R. 3630, an Act to provide incentives for the creation of jobs, and for other purposes.

Harry Reid, Max Baucus, Kirsten E. Gillibrand, Jeff Bingaman, Richard J. Durbin, Patrick J. Leahy, Joseph I. Lieberman, Mark L. Pryor, Christopher A. Coons, Patty Murray, Tom Udall, Charles E. Schumer, Mark Begich, Robert P. Casey, Jr., Kent Conrad, Thomas R. Carper.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business and that Senators be allowed to speak for up to 10 minutes each.

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

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

Mr. DURBIN. Mr. President, I rise in support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.

Many of our Nation's Founders fled religious persecution, and they placed great importance on religious freedom. George Washington summed up the prevailing view when he said, ''In this land of equal liberty, it is our boast, that a man's religious tenets will not forfeit the protection of the laws.''

In 1791, the first amendment of the Constitution was ratified, enshrining freedom of religion as the ''First Freedom'' of all Americans. The first amendment became an inspiration to people all over the world who struggle to throw off the yoke of religious persecution.

Throughout our history, the United States has sought to protect and promote the fundamental human right of religious freedom at home and around the world. Just last week, on December 10, we celebrated Human Rights Day, the 63rd anniversary of the Universal Declaration of Human Rights. After World War II, under Eleanor Roosevelt's leadership, the United States spearheaded the ratification of the Universal Declaration, which recognized freedom of religion as a fundamental right of all people.

As the founding chairman of the first-ever Senate subcommittee focused on human rights, I am deeply committed to protecting religious freedom, and I strongly support the mission of the U.S. Commission on International Religious Freedom. However, as I will outline below, I am concerned that USCIRF has gone astray in recent years. Therefore, I offered an amendment to H.R. 2867, the USCIRF Reauthorization Act, including good-government reforms like term limits for Commissioners, a prohibition on employee discrimination, and a requirement that Commissioners follow Federal travel regulations. My amendment also included changes to H.R. 2867 that will make USCIRF stronger, extending its reauthorization from 2 to 3 years and increasing the number of Commissioners from five to nine. The Durbin amendment will allow the USCIRF to more effectively pursue its mission.

On Monday, the Senate adopted my amendment and passed the USCIRF reauthorization bill on a unanimous vote. The bill is now awaiting consideration in the House of Representatives. USCIRF's current authorization is scheduled to expire tomorrow, December 16, so I urge my colleagues in the House to quickly take up and pass H.R. 2867.

I would like to take a moment to outline the provisions of the amendment that I offered to H.R. 2867.

Although the plain language of USCIRF's authorizing statute limits Commissioners to two, 2-year terms, for a total of 4 years of service, this term limit has never been observed. In fact, several Commissioners have served more than 10 years. The members of many governmental boards and commissions are term limited, and USCIRF would be well served by the new ideas and fresh perspective that new Commissioners would bring.

The House-passed version of H.R. 2867 includes a provision that limits Commissioners to serving two consecutive terms. However, the bill creates two new exceptions to the term limit provision in USCIRF's existing authorization. First, the bill would allow a Commissioner to serve an unlimited number of nonconsecutive terms. Second, the bill would allow each current Commissioner to complete his or her current term and then serve one additional term, regardless of how long the Commissioner has served. As a result, Commissioners who have already served more than 10 years would be permitted to serve an additional full term and unlimited nonconsecutive terms.

These loopholes are a step backwards from existing law and undercut the purpose of a term limit, which is to make sure that new voices from a range of viewpoints and faiths are rotated into the Commission periodically to collaborate in strengthening and shaping the Commission's mandate. In keeping with this spirit, my amendment includes in H.R. 2867 a firm term limit of two, 2-year terms—4 years total—with no grandfathering of current Commissioners.

USCIRF has taken the position that its employees do not enjoy the same antidiscrimination protections as all

other Federal employees. It is simply unacceptable for a Federal agency charged with promoting human rights to argue that it has the legal right to discriminate against its employees. The Durbin amendment includes in H.R. 2867 a provision which allows pending civil rights claims against USCIRF to proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 provided antidiscrimination protections to USCIRF employees for future incidents of discrimination through the Congressional Accountability Act. However, I was concerned that this provision did not apply to former employees or past discrimination. As a result, there would have been no legal remedy for any incidents of discrimination that may have taken place prior to enactment of H.R. 2867.

Specifically, last year a former USCIRF employee filed a discrimination claim based on her allegation that her permanent employment offer was rescinded after the Commissioners learned of her prior job with a Muslim civil rights organization. Though she subsequently received a temporary contract with USCIRF, she claims she was terminated when she filed her discrimination claim. The Commission argued that it is not subject to title VII of the Civil Rights Act of 1964. The case is now on appeal.

There must be some avenue for resolving—on the merits—past allegations that USCIRF discriminated against its employees. Accordingly, my amendment to H.R. 2867 provides that pending civil rights claims against USCIRF may proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 reduced the number of Commissioners from nine to five, which would make it more difficult for USCIRF to carry out its mission. Moreover, the bill accomplished this reduction in a disproportionate fashion by reducing the number of Commissioners appointed by the President from three to one. The Durbin amendment strikes the provision from H.R. 2867 which reduces the number of Commissioners from nine to five.

Religious freedom advocates allege that some USCIRF Commissioners have traveled first class and stayed in five-star hotels, in violation of Federal travel regulations. This is deeply troubling, particularly during a time when all Federal agencies are being asked to do more with less. The Durbin amendment simply clarifies that USCIRF Commissioners are subject to Federal travel regulations, like other Federal employees.

H.R. 2867 reauthorizes USCIRF until September 30, 2013. With the good-government reforms in the Durbin amendment, it would be more appropriate to reauthorize USCIRF until September 30, 2014, so that USCIRF Commissioners and staff have more certainty about the future of the Commission.

I strongly support the mission of the U.S. Commission on International Religious Freedom, but I have been deeply troubled by allegations of misconduct, misuse of funds, and discrimination at the Commission. For example, according to the Washington Post:

> Some past commissioners, staff and former staff of the U.S. Commission on International Religious Freedom say the agency charged with advising the president and Congress is rife, behind-the-scenes, with ideology and tribalism, with commissioners focusing on pet projects that are often based on their own religious background. In particular, they say an anti-Muslim bias runs through the commission's work. . . . Rumors about infighting and ineffectiveness have swirled for years around the commission.

My amendment will make good-government reforms to USCIRF that should help to address the concerns that have been raised about USCIRF. Moreover, my amendment will make USCIRF stronger by increasing the number of Commissioners in the reauthorization bill from five to nine and by extending the reauthorization from 2 to 3 years. As chairman of the Judiciary Committee's Constitution, Civil Rights, and Human Rights Subcommittee and a member of the Appropriations Subcommittee on the Department of State, Foreign Operations, and Related Programs, I will closely monitor the work of the USCIRF in the coming months and years to ensure that it is functioning in a transparent fashion and effectively performing its mission of promoting and protecting international religious freedom.

I urge my colleagues in the House of Representatives to quickly take up and pass H.R. 2867 so that the U.S. Commission on International Religious Freedom can be reauthorized.

TRIBUTE TO SPECIALIST JOHN O. BERRY, JR.

Mr. MCCONNELL. Mr. President, I stand today to honor an outstanding Kentucky hero and patriot, SPC John O. Berry, Jr. SPC Berry is a veteran of the Vietnam war who has received numerous awards and commendations for his heroism and bravery in serving his country.

John O. Berry, Jr., of Wayne County, KY, grew up a typical kid—he spent his time hanging out with friends, listening to music, and enjoying time spent with his brothers and sisters. On September 18, 1968, however, John answered a call to duty, and his life was forever changed when he joined the U.S. Army.

John received his introduction to the Army and basic training at Fort Knox, KY, before being sent to Fort Leonard Wood, MO, to complete his advanced training. Four short months later, John had achieved the honor of combat demolition specialist with Company A, 299th Engineer Battalion, and was sent to a fire base in North Vietnam.

John's job was especially dangerous. He was responsible for ensuring the roads were free of the many deadly land mines that were strategically placed by the Viet Cong. Although scores of Americans were killed by these mines, John and other courageous demolition engineers were responsible for saving thousands of additional lives by dismantling the mines throughout the war.

Over the years John has received many distinguished awards and honors for his bravery and service to our country. Included in these honors are two Purple Hearts, two Army Commendation Medals for heroism and exceptionally meritorious achievement in the Republic of Vietnam, two National Defense medals, and the Republic of Vietnam Gallantry Cross with Palm, which was awarded by the Republic of Vietnam to those who display valor and heroic conduct in combat.

These awards only represent a small portion of the gratitude we owe John for his selflessness and courage. According to the Department of the Army's account of a rescue mission in which John's unit was sent to aid an ambushed team, ''John distinguished himself by exceptionally valorous action. . . . He demonstrated admirable courage and devotion to duty as he unflinchingly performed his task without regard to personal safety. His actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.''

Mr. President, I would ask that my Senate colleagues join me in thanking SPC John O. Berry, Jr. for his sacrifice and service. John's heroism is truly inspiring, and the people of our great Commonwealth are grateful for his selflessness and service. The Wayne County Outlook recently published an article thanking Specialist Berry and highlighting his accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Wayne County Outlook, Nov. 9, 2011]

BERRY RECEIVED MEDALS FOR SERVICE TO HIS COUNTRY

(By Harlan Ogle)

Here's the way the Department of the Army tells the story: He ''distinguished himself by exceptionally valorous action . . . while serving as a member of a reactionary force sent to aid the mine sweep team which had been ambushed. . . . When he and other members of the reaction force dismounted their vehicle they immediately came under heavy enemy fire. With complete disregard for his own safety, [he] formed one line with the other members of the force and moved towards the front. He and the others laid down a base of fire which enabled the trapped mine sweep to break contact. The reaction force then advanced still further into the kill zone to continue firing while Delta Company's casualties were carried out. [He] demonstrated admirable courage and devotion to duty as he unflinchingly performed his tasks without regard to his personal safety. His cool-headedness in the face of conditions which would unnerve a weaker man served to inspire his comrades to follow suit. [His] actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.''

Could these words be a description of the bravery demonstrated by such heroes as Sergeant Alvin York, who is probably the most recognized veteran of World War I? Maybe these words describe Audie Murphy, the most decorated American of World War II?

No!

These words describe the man who could be Wayne County's most decorated soldier of the Vietnam War.

These are words that depict the extreme bravery of a veteran who still lives in our midst. These words describe one of our country's real heroes.

These are words contained in General Order 847 that officially awarded the Army Commendation Medal for Heroism to John O. Berry, Jr., who presently lives in the Gap of the Ridge community of Wayne County. John is the son of Willie Lee (Sloan) Berry and Johnny Berry.

He spent his childhood as most any other boy would—going to school, hanging out with his friends, listening to music, growing up with his brothers and sisters: Ted, Fred, George, Stella, Mae, Maggie, and Alene, and just generally enjoying life.

Until.

Until September 18, 1968. That's when John became a soldier in Uncle Sam's Army.

He took his basic training at Fort Knox and advanced training at Fort Leonard Wood in Missouri. Just four short months after entering the Army, he was sent to a fire base in North Vietnam.

He had become a combat demolition specialist with Company A, 299th Engineer Battalion.

His was a dangerous job because he had the responsibility of clearing the roads of the deadly mines placed by the Viet Cong.

Thousands of American service men were killed by these mines. However, because of the sacrifice and courage of soldiers like John O. Berry, Jr., thousands of lives were saved as these demolition engineers dismantled the mines.

Specialist Four John O. Berry, Jr., served his country with dedication and commitment. That service was continually recognized as he received numerous awards and commendations. Some of those distinguished awards include:

—Two Purple Hearts (a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war in the hands of the enemy).

—An Army Commendation Medal with first oak leaf cluster ''for exceptionally meritorious achievement in support of the United States's objectives in the counterinsurgency effort in the Republic of Vietnam . . . . Through his outstanding professional competence and devotion to duty he consistently obtained superior results. Working long and arduous hours, he set an example that inspired his associates to strive for maximum achievement. The loyalty, initiative and will to succeed that he demonstrated at all times materially contributed to the successful accomplishment of the mission of this command.''

—A second Army Commendation Medal with ''V'' device ''for heroism in the Republic of Vietnam'' distinguishing himself by meritorious achievement and service.

—Two National Defense medals.

—Republic of Vietnam Gallantry Cross w/ Palm awarded by the Vietnam Government to military personnel who have accomplished deeds of valor and displayed heroic conduct while fighting the enemy.

Eventually John was discharged from the Army, and when he returned to Monticello, he continued serving his country by joining the local National Guard.

Today, John lives in the Gap of the Ridge community and walks among us as one of our nation's heroes. More especially, John is one of Wayne County's heroes!

He shares that role with two of his brothers who also served in the military during the Vietnam War: Ted in the Navy and Fred in the Army.

A grateful community proudly recognizes John O. Berry, Jr., and salutes him and all the other men and women who have sacrificed more than the average citizen will ever know.

Specialist Four John O. Berry, Jr., we salute you and thank you from the bottom of our hearts for your service to our country!

On Veterans Day 2011, we pray that you will be able to accept the fact that you are, indeed, an American hero!

You are our hero!

TRIBUTE TO HELEN HIERONYMUS

Mr. MCCONNELL. Mr. President, I stand today to pay tribute to an exceptional Kentuckian, Helen Hieronymus of Somerset, KY. Helen, who recently celebrated her 85th birthday, has lived a full and successful life and still exhibits youthfulness far beyond her years.

On October 20, 2011, her birthday, Helen decided to celebrate in a rather unconventional way—she went skydiving. For those who know her, however, her great leap wasn't all that surprising. Over the years, Helen has been a vibrant member of the local community—she has served as director of the local United Way, Cub Scout den mother, and president of the Junior Women's Club, all while always entertaining her adventurous appetite. Her travels have taken her fishing in Alaska, to the Great Wall of China, and to 80 different countries around the world.

Going skydiving has been an unfulfilled desire of Helen's for many years. As a child, Helen dreamed of being able to fly. Then, about 9 years ago, Helen was further inspired after witnessing a collection of paratroopers make their way to the ground while on a trip to Paris. ''I thought it would be fun,'' she says. And so it was.

After ascending to 12,000 feet, Helen successfully completed a tandem jump followed by a safe landing. ''No problem at all,'' she explained. ''When you come out of the plane, you do a free fall. You see the earth below you, and it's amazing down there. I would do it again.''

Mr. President, Ms. Helen Hieronymus is a courageous woman who has experienced a lifetime of excitement and fulfillment. Helen's community involvement and adventurous spirit serve as an inspiration to Kentuckians everywhere, and it is my hope that she have many more adventures to come. The Commonwealth Journal, a Somerset-area publication, recently published an article highlighting Helen's life of journeys and daring parachute jump. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Commonwealth Journal, Oct. 30, 2011]

SOMERSET WOMAN CELEBRATES 85TH BIRTHDAY BY TAKING PLUNGE OUT OF AN AIRPLANE

(By Chris Harris)

How does a woman who has traveled the world, ripped the roadway on a Harley, and hunted big game celebrate her 85th birthday?

By jumping out of an airplane, naturally.

Helen Hieronymus has lived a big life, no question about it. Her name is familiar to many in Pulaski County, having touched the community in many different ways—director of the local United Way, Cub Scout den mother, president of the Junior Women's Club, and so much more.

You could say she's lived a full life . . . yet she's always looking for ways to make it even more full.

''Of course,'' said Hieronymus. ''Why waste it?''

Hieronymus turned 85 on October 20. She had a yen to try her hand at skydiving.

Why?

''God only knows,'' quipped her daughter, Janie Hail, known to many Somerset High School alumni as their former English teacher, now retired. ''Mine was the voice in the background saying, Mother, are you sure you want to do this?'''

In actuality, Hieronymus was inspired by a trip to Paris, France, about nine years ago, where she witnessed a collection of paratroopers descend to the earth from three different heights, landing in a circle.

Hieronymus's reaction? ''I thought that would be fun.''

In fairness, Hieronymus had dreamed of being able to fly since she was only a child. Of course, she was smart enough not to try it herself without a little experimentation first.

''I tried to teach my brother to fly by tying a sheet to his ankles and wrists and having him jump off the porch railing,'' she recalled. ''I was just testing it in that one (case).''

By the time she reached her 85th birthday, she'd done nearly everything else. Hieronymus reported having done a ''bit of traveling.'' That's only if you consider visiting 80 different countries to be ''a bit.'' She's fished in Alaska, hunted wild beasts in the field, and walked on the Great Wall of China. Even recently, friend Tommy Cate took her for a ride on a Harley-Davidson motorcycle.

Hieronymus kept her adventurous spirit her whole life, but wasn't able to fully explore it until years down the road.

''I had responsibilities to take care of, like three children and a husband and things like that,'' she said. ''Now they're big enough to take care of themselves.''

Flying like a bird in the air, however, continued to elude her. Hieronymus had mentioned to her granddaughter that she would like to do a parachute jump. As a result, all of her grandchildren decided to chip in and buy ''Granny'' an opportunity to ''jump out of a perfectly good airplane,'' as Hail put it.

Hail wasn't a fan of the idea. She constantly tried to talk her mother out of the idea, given the danger that falling to earth from 12,000 feet in the air could present.

''I'd think I had her talked out of it, but then it would come up again,'' said Hail, who

characterized herself whimsically as the coolly pragmatic complement to her mother's free-spirited daredeviling.

''I suggested doing a zipline instead. She said that sounded like fun, that she hadn't thought of that before,'' added Hail, ''and she calls up the next day and says she's going to jump the next day.''

Hail decided that if she couldn't beat 'em, as the saying goes, that she would join 'em—on the ground as moral support, at any rate. So earlier this month, she accompanied her mother to the site of the Start Skydiving organization's site in Middletown, Ohio, where the big jump would take place.

What Hail saw when she got there didn't exactly bolster her confidence. She and Hieronymus watched as a group of skydivers went earlier in the day.

''The wind caught the chute of the last one coming in and rolled her over; it looked like a disaster waiting to happen,'' said Hail. ''I point that out to my mother, and said, 'Did you see that?' and she responded, 'Well, she got up.' ''

''I said, 'Mom, she's 20!' ''

The winds picked up throughout the day; as the hours rolled along, it looked more and more like Hieronymus wouldn't be able to make the jump, but she refused to leave. After all, if she wanted to use the coupon her grandchildren had given her as a gift, it would have to be by Thanksgiving; that time in mid-October might have been her last opportunity to do so.

So Hieronymus held on to be in the last group to go up into the sky that day. The plane climbed to 12,000 feet before she was able to make the tandem jump with her instructor (they were connected to each other, but he was wearing the parachute).

''They put a jumpsuit on you and zip you up,'' Hieronymus explained. ''Then they put the harness on you. Janie was there coaching.''

Hieronymus took no apprehension with her into the airplane and left no regrets floating in the air. She made a successful jump and landed on the earthen floor no worse for the wear.

''No problems at all,'' she said. ''I would do it again.''

For Hieronymus, this was a ''bucket list'' item: Something she wanted to make sure and experience before she passed away, as referenced in the film called ''The Bucket List.'' It certainly lived up to the expectations.

''When you come out of the plane, you do a free fall,'' said Hieronymus. ''You see the earth below you, and it's amazing down there.''

Her thoughts upon landing? ''Oh shucks, I'm back on land.''

Hieronymus laughed as she noted that she had a video of the event that she would show at her place of worship, First United Methodist Church, to entertain her friends there.

And despite Hail's skeptical nature, her mother's exploits have managed to serve as an inspiration.

''Oh my gosh, I felt younger,'' said Hail. ''If an 85-year-old can do that, surely I'm not that old.''

TRIBUTE TO EARL DEVANEY

Mr. COBURN. Mr. President, I rise today to give tribute to Mr. Earl Devaney, who will be retiring from 42 years of public service at the end of this year.

In an era when the American people have a record-level of distrust in government, Mr. Devaney has risen above partisanship as a staunch defender of taxpayers and champion of government transparency.

Devaney started his career as a cop on the beat in Massachusetts. Then, Devaney went to work for the U.S. Secret Service until 1991, where he was the Special Agent-in-Charge of the agency's fraud division. In 1999, President Clinton appointed Devaney the inspector general of the Interior Department. There, he gained wide renown for overseeing the public corruption investigations that helped lead to the convictions of Jack Abramoff, a Washington superlobbyist and major beneficiary of the congressional earmark favor factory that polluted our politics for several decades. He also presided over the landmark investigation of the royalties program in the Minerals Management Service, finding a ''culture of ethical failure'' among public officials there, involving illegal gifts, illegal drug abuse, sexual misbehavior and more.

In his role as the chief watchdog of the Department of Interior, I got to know Earl and spent significant time visiting with him. What I have learned to appreciate about him was his honesty, integrity and forthrightness.

In February 2009, President Obama named Devaney to head the Recovery Board, which is charged with overseeing the American Recovery and Reinvestment Act, ARRA. In this position, he was integral to making sure that the spending in the stimulus was as transparent as possible.

At the end of the year, Mr. Devaney will be resigning from three posts: the Chair of the Recovery Board, inspector general for the Department of the Interior, and Chairman of the Government Accountability and Transparency Board, the position that Vice President BIDEN appointed him to for managing the administration's efforts to reduce government waste and to provide ''concrete methods'' for improving oversight and transparency of Federal funds.

I can't think of a tougher defender of the interests of citizens and taxpayers in the Federal Government than Mr. Devaney. As one of the best inspectors general, his dogged pursuits of corruption and waste in government will be missed.

In his resignation letter to President Obama, Mr. Devaney thanked the President for the ''opportunities you have given me to serve my country, and I will always look fondly on my decades as a public servant.''

Mr. Devaney, the American people will also look fondly on years of public service. Thank you for all you have done.

ADDITIONAL STATEMENTS

RECOGNIZING ORONO MIDDLE SCHOOL

• Ms. SNOWE. Mr. President, today I wish to offer my heartfelt and warm congratulations to Orono Middle School in my State of Maine on being named a National Blue Ribbon School by the U.S. Department of Education earlier this year on September 14, especially as the school community gathers to celebrate this milestone next week.

Since the inception of the National Blue Ribbon School Program in 1982, the U.S. Department of Education has undergone a rigorous, selective process of identifying those exceptional schools nationwide where students attain and maintain high academic goals. Needless to say, the bestowal of this well-earned, prestigious award speaks volumes about Orono Middle School's exemplary student accomplishments—and is an accolade in which all RSU 26 school board members, administrators, faculty, staff, and students—not to mention our entire State—can certainly take enormous pride.

This distinguished recognition also affords Orono Middle School with an ideal platform to share its outstanding teaching models and approaches under the vision of Principal Robert Lucy with other schools—an opportunity which aligns with the larger effort of the Department of Education to facilitate the robust exchange of the best school leadership and teaching practices.

Just as the Bangor region, where Orono is located, is the gateway to the natural wonders of the North Maine Woods and Acadia National Park, it is also a gateway to excellence in education. That is certainly the case at the university level at the University of Maine, my alma mater, as well as at the primary school level at Orono Middle School, where challenging and cultivating young minds is paramount; curiosity is prized; character is rewarded; enthusiasm is contagious; values are imparted; and an exuberant love of learning is palpable, even at times audible, and always ever-present.

Principal Lucy aptly characterized this spirit and energy when he wrote that ''a visitor walking the halls hears parents conversing with teachers and students, actors exchanging lines, artists collaborating on projects, mathematicians solving team challenges, and coaches encouraging athletes. The sounds of our community make it clear that Orono Middle School thrives, largely because our students are connected to our school.'' And, thrive, it has, as Orono Middle School is exemplifying Maine's motto, ''Dirigo'' or ''I Lead'' and in doing so, ensuring that the seeds of hope for the next generation are firmly planted and taking root.

Orono Middle School is proof positive that our State's hallmark work ethic and can-do spirit are alive and well. Orono Middle School is a top-performing institution on State-required assessments, which teachers use to customize and improve instruction. Eighty percent of Orono Middle School's faculty have advanced degrees

and its award-winning roster of teachers place a premium on professional development. The school goes the extra mile to ensure that 100 percent of the student body participates in co-curricular activities and that the pervading climate is one of trust, purpose, and dignity. This focus also helps create an atmosphere where consensus and collaboration are the order of the day and where parents are actively engaged in the learning process of their children.

I cannot underscore enough just how instrumental schools like Orono Middle School are to the overall progress of our tremendous State of Maine and indeed in brightening the horizons of this great land we love. What American and Maine political icon, U.S. Senator Margaret Chase Smith, once expressed in words Orono Middle School has demonstrated in action; namely, that ''education is not a means to life but education is life and must not be ignored.''

Orono Middle School has my very best wishes on receiving the National Blue Ribbon School designation this year which could not be more well-deserved.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1264. An act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 2668. An act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station''.

ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

H.R. 2719. An act to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

H.R. 3659. An act to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Indian Affairs.

H.R. 2668. An act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2719. An act to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 3659. An act to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4315. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Farm Loan Programs Loan Making Activities'' (RIN0560-AI03) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4316. A communication from the Management Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration'' (RIN0580-AB07) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4317. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Standards and Specifications for Timber Products Acceptable for Use by Rural Utilities Service Electric and Telecommunications Borrowers'' (7 CFR Parts 1728 and 1755) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4318. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Butyl acrylate-methacrylic acid-styrene polymer; Tolerance Exemption'' (FRL No. 9327–6) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4319. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 9327–7) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4320. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of rear admiral (lower half), in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4321. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4322. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes'' (RIN0694-AF46) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4323. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–4324. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the

Comprehensive Iran Sanctions Accountability and Divestment Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4325. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Business Opportunity Rule'' (RIN3084-AB04) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4326. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Limited Access Privilege Program'' (RIN0648-BA18) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans: Oregon'' (FRL No. 9248–1) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9499–9) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton, OH-KY-IN 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment'' (FRL No. 9506–3) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4330. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9505–8) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4331. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-Hydrocarbon Refrigerants'' (FRL No. 9507–7) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4332. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances'' (FRL No. 9507–6) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4333. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Kentucky; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions'' (FRL No. 9507–3) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC–4334. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''William and Sharon Norris v. Commissioner, T.C. Memo 2011–161'' (AOD–2011–05) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC–4335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employer's Annual Federal Tax Return and Modifications to the Deposit Rules'' (RIN1545-BK82) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC–4336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Targeted Populations Under Section 45D(e)(2)'' (RIN1545-BE89) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC–4337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sample Plan Amendment for Section 436'' (Notice 2011–96) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC–4338. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Evaluation of the Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year 2008''; to the Committee on Finance.

EC–4339. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0189—2011–0201); to the Committee on Foreign Relations.

EC–4340. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–4341. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the 2009–2010 Committee on Equal Opportunities in Science and Engineering (CEOSE) Biennial Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC–4342. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts'' (5 CFR Parts 1605 and 1653) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4343. A communication from the Chief Financial Officer, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC–4344. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report entitled ''Performance and Accountability Report Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4345. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Blowing the Whistle: Barriers to Federal Employees Making Disclosures''; to the Committee on Homeland Security and Governmental Affairs.

EC–4346. A communication from the Vice President for Administration and Finance and Chief Financial Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the corporation's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4347. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4348. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Compendium of Unimplemented Recommendations from the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4349. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4350. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4351. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4352. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4353. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustment'' (RIN1125-AA69) received in the Office of the President of the Senate on December 14, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 789. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the ''Sergeant Matthew J. Fenton Post Office''.

H.R. 2422. A bill to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1236. A bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 1821. A bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services:

*Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army.

*Michael A. Sheehan, of New Jersey, to be an Assistant Secretary of Defense.

Air Force nomination of Col. Merle D. Hart, to be Brigadier General.

Air Force nomination of Lt. Gen. Frank Gorenc, to be Lieutenant General.

Air Force nomination of Col. Brian E. Dominguez, to be Brigadier General.

Air Force nomination of Col. John P. Currenti, to be Brigadier General.

Air Force nominations beginning with Colonel John D. Bansemer and ending with Colonel Sarah E. Zabel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011. (minus 1 nominee: Colonel Ricky J. Locastro)

Army nomination of Brig. Gen. Michael J. Lally III, to be Major General.

Army nominations beginning with Colonel John W. Baker and ending with Colonel Eric P. Wendt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 23, 2011. (minus 2 nominees: Colonel John H. Hort; Colonel Robert P. White)

Army nomination of Brig. Gen. Lynn A. Collyar, to be Major General.

Army nomination of Maj. Gen. Mary A. Legere, to be Lieutenant General.

Army nomination of Col. Jimmie O. Keenan, to be Major General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Christine L. Blicebaum and ending with Abner Perry V. Valenzuela, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 2011.

Air Force nominations beginning with Joel O. Almosara and ending with Annette J. Williamson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 2011.

Air Force nominations beginning with Keith Allen Allbritten and ending with Gregory S. Woodrow, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Air Force nominations beginning with Christon Michael Gibb and ending with Thad M. Reddick, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Michael S. Funk and ending with John W. Rueger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Jarrod W. Hudson and ending with Charles B. Wagenblast, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Kari L. Crawford, to be Major.

Army nominations beginning with Henry H. Beaulieu and ending with Eric K. Little, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Donald B. Absher and ending with Irene M. Zoppi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with James S. Aranyi and ending with Mark A. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Mitchell J. Abel and ending with Thomas M. Zubik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Nancy L. Davis and ending with Sheila Villines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Genevieve L. Costello, to be Major.

Army nominations beginning with Robert J. Newsom and ending with Richard Y. Yoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Richard A. Daniels and ending with Stephen M. Langlois, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Arthur E. Rabenhorst and ending with Steven J. Svabek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Harvey D. Hudson, to be Major.

Army nomination of William H. Carothers, to be Major.

Army nominations beginning with Todd S. Albright and ending with D001765, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 5, 2011.

Army nominations beginning with Larrington R. Connell and ending with Ricardo J. Vendrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 5, 2011.

Navy nomination of Andrew K. Ledford, to be Lieutenant Commander.

Navy nomination of Matthew R. Loe, to be Lieutenant Commander.

Navy nomination of Thomas P. English, to be Lieutenant Commander.

Navy nominations beginning with Richard A. Ackerman and ending with Adam I. Zaker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources:

*Arunava Majumdar, of California, to be Under Secretary of Energy.

By Mr. LEAHY for the Committee on the Judiciary:

Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. AYOTTE (for herself, Mr. RUBIO, and Mr. JOHNSON of Wisconsin):

S. 1996. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget.

By Mr. VITTER (for himself, Mr. CRAPO, Mr. JOHANNS, Mr. TOOMEY, Mr. DEMINT, Mr. PAUL, Mr. RISCH, Mr. CORNYN, and Mr. LEE):

S. 1997. A bill to prohibit the Secretary of the Treasury from providing extra support to the Federal Housing Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself, Mr. CARPER, and Mr. JOHNSON of Wisconsin):

S. 1998. A bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1999. A bill to amend title XVIII of the Social Security Act to apply the frailty adjustment under PACE payment rules to certain specialized MA plans for special needs individuals; to the Committee on Finance.

By Mr. KOHL:

S. 2000. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2001. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. SCHUMER, and Mr. CORNYN):

S. 2002. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. LEE, Mr. UDALL of Colorado, Mr. KIRK, Mrs. GILLIBRAND, Mr. PAUL, Mr. COONS, Mr. DURBIN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. FRANKEN, and Mrs. MCCASKILL):

S. 2003. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. INOUYE, and Ms. LANDRIEU):

S. 2004. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. KIRK):

S. 2005. A bill to authorize the Secretary of State to issue up to 10,500 E-3 visas per year to Irish nationals; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 2006. A bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mr. LUGAR, Mr. WYDEN, Mr. BLUNT, Mr. DURBIN, Mr. BROWN of Massachusetts, Mr. CARDIN, Mr. ISAKSON, Mr. COONS, and Mr. THUNE):

S. 2007. A bill to amend the African Growth and Opportunity Act to extend the third-country fabric rule, to add South Sudan to the list of countries eligible for designation under that Act, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Res. 348. A resolution expressing the sense of the Senate that the Secretary of the Treasury should take actions to increase the transparency and accountability of the Small Business Lending Fund Program; to the Committee on Small Business and Entrepreneurship.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 249

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (Canis lupus).

S. 431

At the request of Mr. PRYOR, the names of the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. WARNER), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 750

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1497

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1497, a bill to amend title XVIII of the Social Security Act to extend for 3 years reasonable cost contracts under Medicare.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1959

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1959, a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 1984

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1984, a bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2000. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Equity for Visual Artists Act of 2011. This bill would enable visual artists to benefit from their copyrights in a meaningful way similar to other creators of literary and artistic works such as authors, playwrights and composers. It provides for the payment of a copyright royalty long recognized in international law to be paid at the time a work of visual art is sold at auction in the United States. Half of this royalty payment will go directly to the artists or their estate and the other half will be made available to nonprofit American art museums as an endowment to be used by them to purchase the works of living American artists so that these works may be freely enjoyed by everyone.

Like all authors, the primary legal right of an artist in his or her work is the copyright. Yet, visual artists stand alone within America's creative community in their inability to gain any significant income under existing copyright law. As an example, creators of music will collect nearly $2 billion in copyright royalty payments this year. By contrast, America's visual artists receive only a tiny amount of copyright income, primarily when their works are reproduced in publications such as museum catalogues. Visual art often generates money only when the original work itself is first sold. The vast majority of money-making sales are not by artists themselves but by collectors, dealers and auction houses who trade in their works after their first sale. Under current law artists receive no income from these sales.

For nearly 100 years international copyright law under the Berne Convention on Literary and Artistic Works, of which the United States is a party, has given artists a right to royalties each time their works are resold. However, unlike other rights protected under the Convention, individual countries are not required to recognize the artists' resale right. While over 40 other countries, including all members of the European Union, provide their artists with income from resale of their works, the United States does not. Under the Convention's reciprocity rule, these countries will only pay royalties to artists from countries that also recognize the resale right. As a result, American artists receive no money from these sales.

In 1990, Congress enacted the Visual Artists Rights Act that asked the Copyright Office to study the issue of resale royalties and report back with recommendations. The Copyright Office reported back to Congress that creation of new artworks would be encouraged by adoption of the Berne Convention provisions on resale rights, but it recommended that we wait to see whether the European Union would first require all of its member countries to join those like France and Germany who had long provided their artists with such a right. In 2001, the European Union decided to make resale royalties mandatory throughout its territory, underpinning the Copyright Office's initial conclusions about the positive effects of introducing resale rights. In 2006, the United Kingdom was the last EU country to implement its law.

In order to make the administration of a resale right as simple as possible, the bill would take 7 percent of any sale $10,000 or more from only the most public and easily accountable transactions, auction sales, and divide the amount by artists or their beneficiaries and non-profit museums to purchase American art. The legislation would apply only to sales by entities that have $25 million per year of cumulative sales of visual art. It also excludes entities that solely conduct business in online auctions over the Internet. The bill gives primary responsibility for collecting and distributing royalties to non-governmental collecting societies with oversight by the Copyright Office and reporting requirements to Congress.

This legislation is a long overdue step in fulfilling our obligation under the Berne Convention to award visual artists the benefits derived from the resale of their works, a right that literary and musical artists have enjoyed for decades. Under current law, visual artists are denied royalties for lucrative sales of their art, and this bill is a meaningful start for providing them with just compensation. It is only fair that, as stipulated by international law, visual artists profit from the appreciation in value of their work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Equity for Visual Artists Act of 2011''.

SEC. 2. DEFINITIONS.

Section 101 of title 17, United States Code, is amended by—

(1) inserting after the definition of ''architectural work'' the following:

''For purposes of section 106(b), 'auction' means a public sale run by an entity that sells to the highest bidder works of visual art in which the cumulative amount of such works sold during the previous year is more than $25,000,000 and does not solely conduct the sale of visual art by the entity on the Internet.''.

(2) inserting after the definition of ''proprietor'' and prior to the definition of ''pseudonymous work'' the following:

''For purposes of section 106(b), 'price' is the aggregate of all installments paid in cash or in-kind by or on behalf of a purchaser for a work as the result of auction of that work.'';

(3) inserting at the end of the definition of ''Publication'' the following: ''For purposes of section 106(b), in the case of a work of visual art as defined in this section, a publication does not include photographic reproductions or other images of the work, including castings of a sculptural work, made or distributed prior to January 1, 1978, in connection with the exhibition of such work by a gallery or museum, whether for purposes of sale of the original work, or in connection with any publication authorized by a gallery or museum in possession of the work regardless of whether such publication was with the consent of the author. In no other circumstances is a work of visual art considered to have been published prior to January 1, 1978, unless such publication has been authorized by the express written consent of the author of such work.'';

(4) inserting after the definition of ''registration'' and prior to the definition of ''sound recordings'' the following:

''For purposes of sections 106(b) and 701(b)(5), 'sale' means transfer of ownership or physical possession of a work as the result of the auction of that work.''; and

(5) amending paragraph (1) of the definition of a ''work of visual art'' to read as follows:

''(1) a painting, drawing, print, sculpture, or photograph, existing either in the original embodiment or in a limited edition of 200 copies or fewer that bear the signature or other identifying mark of the author and are consecutively numbered by the author, or, in the case of a sculpture in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of the author; or''.

SEC. 3. EXCLUSIVE RIGHTS.

Section 106 of title 17, United States Code, is amended by—

(1) inserting ''(a)'' before ''Subject to sections 107 through 122''; and

(2) adding at the end the following:

''(b)(1) In this subsection, the term 'net royalty' means the royalty amount collected less administrative expenses of the visual artists' collecting society. In no case shall the administrative expenses of the visual artists' collecting society subtracted from the royalty amount collected exceed 18 percent.

''(2) Whenever a work of visual art is sold as the result of auction of that work by someone other than the artist who is the author of the work, the entity that collects the money or other consideration paid for the sale of the work shall, within 90 days of collecting such money or other consideration, pay out of the proceeds of the sale a royalty equal to 7 percent of the price. Such royalty shall be paid to a visual artists' collecting society. The collecting society shall distribute, no fewer than 4 times per year, 50 percent of the net royalty to the artist or his or her successor as copyright owner. After payment to the artist or his or her successor as copyright owner, the remaining 50 percent of the net royalty shall be deposited into an escrow account established by the collecting society for the purposes of funding purchases by nonprofit art museums in the United States of works of visual art authored by living artists domiciled in the United States. The right to receive such royalty and the obligation to deposit the remaining share of

sale proceeds into the escrow account provided in this subsection may not be waived by the artist or his successor as copyright owner. Failure of the entity collecting the money or other consideration resulting from the sale of the work to pay the royalty provided under this section shall constitute an infringement of copyright. Any such infringement shall be subject to the payment of statutory damages under section 504.

''(3) Paragraph (2) shall not apply to the sale of a work for a gross sales price of less than $10,000, or in exchange for property with a fair market value of less than $10,000.''.

SEC. 4. NOTICE OF COPYRIGHT.

Section 401 of title 17, United States Code, is amended by adding at the end the following:

''(e) NON APPLICABILITY TO WORKS OF VISUAL ART.—The provisions of this section shall not apply to a work of visual art.''.

SEC. 5. COPYRIGHT OFFICE.

Section 701(b) of title 17, United States Code, is amended by—

(1) redesignating paragraph (5) as paragraph (6); and

(2) inserting after paragraph (4) the following:

''(5) Issue regulations governing visual artists' collecting societies pursuant to section 106(b), which shall, at a minimum—

''(A) establish a process by which entities would be determined to be and designated as visual artists' collecting societies;

''(B) require that a visual artists' collecting society authorized to administer royalty collections and distributions under this title shall have had prior experience in licensing the copyrights of authors of works of visual art in the United States, or have been authorized by no fewer than 10,000 authors of works of visual art, either directly or by virtue of reciprocal agreements with foreign collecting societies, to license the rights granted under section 106;

''(C) exclude any entity from being considered a visual artists' collecting society where, after having been designated a visual artists' collecting society, the royalties collected for at least 5 consecutive years have not been distributed directly to authors after deduction of administrative expenses;

''(D) establish the methodology and procedures pursuant to which visual artists' collecting societies shall make grants to nonprofit museums for the purchase of works with the escrow funds provided in this section, after notice and opportunity to comment, including—

''(i) the criteria to be used by the visual artists' collecting societies for application by nonprofit art museums for the purchase of works out of the funds held in escrow for that purpose by such societies;

''(ii) the amount of the maximum grant for the purchase of an individual work of visual art;

''(iii) the maximum amount that may be granted to a nonprofit museum; and

''(iv) criteria for the award of grants when the amounts requested exceed the total amount of funds held in escrow;

''(E) require that each such society provide the Register of Copyrights with an annual audit of royalty funds collected under section 106(b)(1) that includes the total amount received from the sales of works of visual art, the total amount paid in distributions to artists or, if deceased, to their successors as owners of copyright, and the total amount paid in grants to each nonprofit museum for the purchase of works of visual art; and

''(F) make publicly available an annual report to the Congress setting forth the total amount of royalties received by each visual artists' collecting society and the amount disbursed to each nonprofit art museum receiving a grant or grants from the escrow funds established by each visual artists' collecting society.

Except as necessary for the report to Congress required pursuant to subparagraph (F), the Register of Copyrights shall not disclose any confidential or proprietary information provided to it in the annual audits made available pursuant to this section.''.

SEC. 6. COPYRIGHT OFFICE FEES.

Section 708(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively;

(2) by inserting after paragraph (9) the following:

''(10) for expenses associated with carrying out its responsibilities under section 701(b)(5), provided that such fees shall be paid out of the total royalty payments received by collecting societies pursuant to section 106(b), before deduction of such societies' administrative expenses; and provided further, that following the initial rulemaking necessary to carry out its obligations under section 701(b)(5), such fees shall not exceed 5 percent of the total annual amount of royalties received by such collecting societies;''; and

(3) in the matter following paragraph (12), as so redesignated, in the second sentence, by striking ''(10) and (11)'' and inserting ''(11) and (12)''.

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2001. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce legislation to expand the Wild Rogue Wilderness Area and expand protections to Oregon's iconic Rogue River and its tributaries. I am pleased that Senator MERKLEY is joining me in this effort, and that Congressman DEFAZIO has introduced similar legislation in the House of Representatives.

The Wild Rogue Wilderness and the Rogue River that runs through it embody one of the Nation's premier recreation destinations, famous for the free flowing waters which provide numerous rafting and fishing opportunities. The headwaters of the Rogue River start in one of Oregon's other great gems Crater Lake National Park, and the river ultimately empties into the Pacific Ocean, near Gold Beach on Oregon's southwest coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the United States. The Rogue River is a world class rafting river, offering everything from one day trips to week long trips through deep forested canyons. On the land, the Rogue River trail is also one of Oregon's most renowned backpacking routes.

The legislation I introduce today, the Rogue Wilderness Area Expansion Act of 2011, would add 60,000 acres of new wilderness to the existing Wild Rogue Wilderness. The Wild Rogue Wilderness expansion would protect habitat for bald eagles, osprey, spotted owls, bear, elk, cougar, wild coho, wild Chinook, wild steelhead and many others. It would also ensure these treasured lands are protected for generations to come.

My legislation would also protect an additional 143 miles of tributaries that feed the Rogue River with cold clean water; 93 miles would be designated Wild and Scenic Rivers and an additional 50 miles would be protected from mining. The areas receiving protection include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch, and 36 other tributaries of the Rogue. The Rogue River is one of Oregon's most iconic and beloved rivers. It is a river that teems with salmon leaping up rapids to spawn, and finds rafters down those very same rapids at other times of the year. The Rogue River is home to runs of coho, spring and fall Chinook, winter and summer steelhead, and it has the special distinction of being one of only a handful of rivers in the country with runs of green sturgeon. In 2008, American Rivers named the Rogue and its tributaries as the second most endangered river in the U.S. I am hoping to change that today by introducing legislation to protect this river and its tributaries.

I previously introduced legislation to protect the Rogue River tributaries in the last two Congresses. Since that time, I have worked with the timber industry and conservationists to find a compromise that protects one of America's treasures with additional wilderness designations and more targeted protections for the Rogue's tributaries. I am pleased that nearly 60 local businesses, and over 100 organizations and business in total, support protecting the Wild Rogue, and that support grows every day. Many of those businesses directly benefit from the Wild Rogue and the Rogue River. As I often say, protecting these gems is not just good for the environment, but also good for the economy. These protected landscapes are powerhouses of the recreation economy that draws visitors from around the world to this region and the Rogue River is one of Oregon's most important sport and commercial fisheries. The Wild Rogue is the second largest salmon fishery in Oregon behind the Columbia. The Wild Rogue provides the quality of life and recreational opportunities that create an economic engine that attracts businesses and brings in tourists from around the world. The Rogue River supports 450 local jobs in nearby communities like Grants Pass.

By protecting the Wild Rogue landscape and the tributaries that feed the mighty Rogue River, Congress will ensure that future generations can raft, fish, hike and enjoy the Wild Rogue as

it is enjoyed today and that the recreational economy of this region remains strong.

I want to express my thanks to the conservation and business communities of southern Oregon, who have worked diligently to protect these lands and waters and enable the outdoor recreationists to use and enjoy these rivers. I look forward to working with my House colleagues and the bill's supporters to advance our legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rogue Wilderness Area Expansion Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) MAP.—The term ''map'' means the map entitled ''Wild Rogue Wilderness Additions'' and dated December 8, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Oregon.

(5) WILDERNESS ADDITIONS.—The term ''Wilderness additions'' means the land added to the Wild Rogue Wilderness by section 3(a).

SEC. 3. EXPANSION OF WILD ROGUE WILDERNESS AREA.

(a) EXPANSION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 60,000 acres of Bureau of Land Management land, as generally depicted on the map, is included in the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

(b) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a), with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION.—Subject to valid existing rights, the Wilderness additions shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(d) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this section creates any protective perimeter or buffer zone around the Wilderness additions.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside the Wilderness additions can be seen or heard within the Wilderness additions shall not preclude the activity or use outside the boundary of the Wilderness additions.

(f) PROTECTION OF TRIBAL RIGHTS.—Nothing in this section diminishes any treaty rights of an Indian tribe.

(g) WITHDRAWAL.—Subject to valid existing rights, the Wilderness additions are withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.

(a) AMENDMENTS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (5) and inserting the following:

''(5) ROGUE, OREGON.—

''(A) IN GENERAL.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.

''(B) ADDITIONS.—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:

''(i) KELSEY CREEK.—The approximately 4.8-mile segment of Kelsey Creek from the east section line of T. 32 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(ii) EAST FORK KELSEY CREEK.—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.

''(iii) WHISKY CREEK.—

''(I) RECREATIONAL RIVER.—The approximately 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23, as a recreational river.

''(II) WILD RIVER.—The approximately 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River, as a wild river.

''(iv) EAST FORK WHISKY CREEK.—

''(I) WILD RIVER.—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian., to 0.1 miles downstream of road 33-8-26 crossing, as a wild river.

''(II) RECREATIONAL RIVER.—The approximately 0.3-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek, as a recreational river.

''(v) WEST FORK WHISKY CREEK.—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek, as a wild river.

''(vi) BIG WINDY CREEK.—

''(I) SCENIC RIVER.—The approximately 1.5-mile segment of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-9-17.1, as a scenic river.

''(II) WILD RIVER.—The approximately 5.8-mile segment of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River, as a wild river.

''(vii) EAST FORK BIG WINDY CREEK.—

''(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36, as a scenic river.

''(II) WILD RIVER.—The approximately 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

''(viii) LITTLE WINDY CREEK.—The approximately 1.9-mile segment of Little Windy Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.

''(ix) HOWARD CREEK.—

''(I) SCENIC RIVER.—The approximately 0.3-mile segment of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34, as a scenic river.

''(II) WILD RIVER.—The approximately 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River, as a wild river.

''(x) MULE CREEK.—The approximately 6.3-mile segment of Mule Creek from the east section line of T. 32 S., R. 10 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xi) ANNA CREEK.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.

''(xii) MISSOURI CREEK.—The approximately 1.6-mile segment of Missouri Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xiii) JENNY CREEK.—The approximately 1.8-mile segment of Jenny Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec.28, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xiv) RUM CREEK.—The approximately 2.2-mile segment of Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xv) EAST FORK RUM CREEK.—The approximately 1.3-mile segment of East Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, to the confluence with Rum Creek, as a wild river.

''(xvi) WILDCAT CREEK.—The approximately 1.7-mile segment of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

''(xvii) MONTGOMERY CREEK.—The approximately 1.8-mile segment of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

''(xviii) HEWITT CREEK.—The approximately 1.2-mile segment of Hewitt Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xix) BUNKER CREEK.—The approximately 6.6-mile segment of Bunker Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xx) DULOG CREEK.—

''(I) SCENIC RIVER.—The approximately 0.8-mile segment of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36, as a scenic river.

''(II) WILD RIVER.—The approximately 1.0-mile segment of Dulog Creek from 0.1 miles

downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.

''(xxi) QUAIL CREEK.—The approximately 1.7-mile segment of Quail Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xxii) MEADOW CREEK.—The approximately 4.1-mile segment of Meadow Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxiii) RUSSIAN CREEK.—The approximately 2.5-mile segment of Russian Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xxiv) ALDER CREEK.—The approximately 1.2-mile segment of Alder Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxv) BOOZE CREEK.—The approximately 1.5-mile segment of Booze Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxvi) BRONCO CREEK.—The approximately 1.8-mile segment of Bronco Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxvii) COPSEY CREEK.—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxviii) CORRAL CREEK.—The approximately 0.5-mile segment of Corral Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxix) COWLEY CREEK.—The approximately 0.9-mile segment of Cowley Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxx) DITCH CREEK.—The approximately 1.8-mile segment of Ditch Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5, Willamette Meridian, to its confluence with the Rogue River, as a wild river.

''(xxxi) FRANCIS CREEK.—The approximately 0.9-mile segment of Francis Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxxii) LONG GULCH.—The approximately 1.1-mile segment of Long Gulch from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

''(xxxiii) BAILEY CREEK.—The approximately 1.7-mile segment of Bailey Creek from the west section line of T. 34 S., R.8 W., sec.14, Willamette Meridian, to the confluence of the Rogue River, as a wild river.

''(xxxiv) SHADY CREEK.—The approximately 0.7-mile segment of Shady Creek from its headwaters to the confluence with the Rogue River, as a wild river.

''(xxxv) SLIDE CREEK.—

''(I) SCENIC RIVER.—The approximately 0.5-mile segment of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-6, as a scenic river.

''(II) WILD RIVER.—The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River, as a wild river.''.

(b) MANAGEMENT.—Each river segment designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)) shall be managed as part of the Rogue Wild and Scenic River.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated under subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 5. ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.

(a) LICENSING BY COMMISSION.—The Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works on or directly affecting any stream described in subsection (d).

(b) OTHER AGENCIES.—

(1) IN GENERAL.—No department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project on or directly affecting any stream segment that is described in subsection (d), except to maintain or repair water resources projects in existence on the date of enactment of this Act.

(2) EFFECT.—Nothing in this subsection prohibits any department or agency of the United States in assisting by loan, grant, license, or otherwise, a water resources project—

(A) the primary purpose of which is ecological or aquatic restoration; and

(B) that provides a net benefit to water quality and aquatic resources.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land located within a ¼ mile on either side of the stream segments described in subsection (d), is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) DESCRIPTION OF STREAM SEGMENTS.—The following are the stream segments referred to in subsection (a):

(1) KELSEY CREEK.—The approximately 4.5-mile segment of Kelsey Creek from its headwaters to the east section line of T. 32 S., R. 9 W., sec. 34.

(2) EAST FORK KELSEY CREEK.—The approximately 0.2-mile segment of East Fork Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5.

(3) EAST FORK WHISKY CREEK.—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11.

(4) LITTLE WINDY CREEK.—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the west section line of T. 33 S., R. 9 W., sec. 34.

(5) MULE CREEK.—The approximately 5.1-mile segment of Mule Creek from its headwaters to the east section line of T. 32 S., R. 10 W., sec. 25.

(6) MISSOURI CREEK.—The approximately 3.1-mile segment of Missouri Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24.

(7) JENNY CREEK.—The approximately 3.1-mile segment of Jenny Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28.

(8) RUM CREEK.—The approximately 2.2-mile segment of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9.

(9) EAST FORK RUM CREEK.—The approximately 0.8-mile segment of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10.

(10) HEWITT CREEK.—The approximately 1.4-mile segment of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19.

(11) QUAIL CREEK.—The approximately 0.8-mile segment of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1.

(12) RUSSIAN CREEK.—The approximately 0.1-mile segment of Russian Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20.

(13) DITCH CREEK.—The approximately 0.7-mile segment of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5.

(14) LONG GULCH.—The approximately 1.4-mile segment of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23.

(15) BAILEY CREEK.—The approximately 1.4-mile segment of Bailey Creek from its headwaters to the west section line of T. 34 S., R. 8 W., sec. 14.

(16) QUARTZ CREEK.—The approximately 3.3-mile segment of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek.

(17) NORTH FORK GALICE CREEK.—The approximately 5.7-mile segment of the North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

(18) GRAVE CREEK.—The approximately 10.2-mile segment of Grave Creek from the confluence of Wolf Creek downstream to the confluence with the Rogue River.

(19) CENTENNIAL GULCH.—The approximately 2.2-mile segment of Centennial Gulch from its headwaters to its confluence with the Rogue River.

(20) GALICE CREEK.—The approximately 2.2-mile segment of Galice Creek from the confluence with the South Fork Galice Creek downstream to the Rogue River.

By Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. SCHUMER, and Mr. CORNYN):

S. 2002. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help stop criminals from exploiting the Internet to illegally sell prescription drugs. I am pleased to be joined in this effort by Senator SESSIONS, Senator SCHUMER, and Senator CORNYN.

I first became concerned about the issue of illegitimate online pharmacies in 2001, when one of my constituents, high school student Ryan Haight, died from an overdose of the controlled substance Vicodin. He had purchased the Vicodin from a rogue online pharmacy after simply filling out an online questionnaire in which he described himself as a 25-year-old male suffering from chronic back pain. The doctor prescribing the drug never met or personally examined Ryan.

Ryan's death was a terrible tragedy. He was a remarkable young man, an honors student and an athlete. He looked forward to going to college. Instead, his life was cut short.

In response, I introduced legislation, beginning in 2004, to better regulate

the online sale of prescription drugs that are controlled substances.

In 2008, the Ryan Haight Online Pharmacy Consumer Protection Act, Ryan Haight Act, was enacted into law, and it became effective in April 2009. Senator SESSIONS was the lead cosponsor on that legislation.

The Ryan Haight Act makes it a violation of the Controlled Substances Act to dispense a prescription for a controlled substance by means of the Internet without a practitioner having conducted at least one in-person medical evaluation of the purchaser. The act also requires online pharmacies to register with the Drug Enforcement Administration, DEA, and comply with DEA regulations.

The Ryan Haight Act has helped to prevent illegitimate online sales of prescribed controlled substances. However, illegitimate online sellers continue to sell other types of prescription drugs, and stronger laws are needed to stop them.

The sale of prescription drugs online by web sites acting unlawfully is a dangerous and widespread problem. The National Association of Boards of Pharmacy and other non-profit organizations that monitor the Internet have consistently found that about 96 percent of all Internet pharmacies don't require a prescription, aren't appropriately licensed, and sell unregulated drugs.

Theses illegitimate online pharmacies continue to cause serious harm. The National Association of Boards of Pharmacy reports that from the start of its Internet Drug Outlet Identification Program in April 2008, it has received 509 customer inquiries about online prescription drug sellers, and 21 of those customers have reported injuries. Some of these injuries were very serious leading to hospitalization, with customers suffering worsening symptoms caused by the ailment the medications were intended to treat, as well as severe side effects.

The easy accessibility of prescription drugs through illegitimate online drug sellers also contributes to a growing prescription drug abuse problem. A study published in the May 2011 edition of the Journal of Health Affairs suggests that the growth in high-speed Internet access has fueled prescription drug abuse. Conducted by investigators from Massachusetts General Hospital and the University of Southern California, the study found that, over a 7-year period, States with the greatest expansion in high-speed Internet access also had the largest increase in admissions for treatment of prescription drug abuse.

We should be particularly concerned about this problem when it comes to young people, who are frequently online unsupervised and vulnerable to rogue drug sellers on the Internet.

Not surprisingly, there is also a significant amount of fraud associated with illegitimate online drug sellers. Some of these websites simply take money without providing anything in return.

Web sites that dispense counterfeit drugs are an even more dangerous problem. These counterfeit drugs are frequently manufactured in unsanitary conditions and may contain contaminated ingredients, or the wrong ingredients. A recent CBS News story found that counterfeit drugs can contain paint, floor wax, and boric acid. So, instead of the appropriate medicine needed for their health problem, online consumers are receiving substances that may harm or even kill them.

The legislation I am introducing today will address these problems, and help stop illegitimate online drug sellers.

There are two main components to the legislation. First, it amends the Food, Drug and Cosmetic Act to add a definition of ''valid prescription,'' requiring at least one in-person medical evaluation of the patient. This is the same approach taken in the Ryan Haight Act with prescription drugs that are controlled substances. It will prevent illegitimate online pharmacies from selling drugs over the Internet with sham prescriptions.

The second critical element is the establishment, by the Food and Drug Administration, of a registry of legitimate online pharmacy websites. This will protect consumers who will know that they are dealing with lawful online pharmacies and help law enforcement crack down on the illegitimate websites.

The exploitation of the Internet by rogue online drug sellers continues to be a dangerous and deadly problem and we should not wait for more lives to be lost or ruined before we act.

Consumers deserve access to safe and legitimate online pharmacies and protection from illegitimate websites that sell counterfeit or otherwise illegitimate medication, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Online Pharmacy Safety Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) consumers in the United States are targeted by organized international crime networks that use Internet websites to sell illegal and often dangerous drugs under the guise of being legitimate online pharmacies;

(2) illegal online drug sellers offer products that do not meet the safety standards established by United States laws, and recent reports from the National Association of Boards of Pharmacy show that 92 to 95 percent of Internet websites offering to sell prescription medications online are illegitimate and operate in clear violation of United States laws enacted to protect patients;

(3) criminals are attracted to the high profit margin of business through illegitimate online drug sales, as counterfeit drug sales alone are estimated to have generated $75,000,000,000 in 2010, an increase of 92 percent from 2005;

(4) the World Health Organization estimates that 50 percent of the prescription medicines sold online by Internet websites that hide their physical address are counterfeit;

(5) research by The Partnership at Drugfree.org found that 1 in 6 consumers in the United States, a total of about 36,000,000 Americans, has bought or currently buys prescription medication online without a valid prescription;

(6) the prevalence of illegal online drug sellers, and their sale of counterfeit or otherwise illegitimate medicines, is a growing public health threat;

(7) people have been seriously injured or killed by products sold by illegal online drug sellers;

(8) the accessibility of controlled substances and other drugs without a valid prescription by illegal online drug sellers contributes to a growing prescription drug abuse problem in the United States that is endangering teenagers and public health;

(9) the anonymous and unregulated nature of the Internet contributes to the counterfeit drug trade and enables counterfeit medicines to reach United States consumers through illegitimate online drug sellers posing as legitimate pharmacies;

(10) counterfeit drugs that are sold through illegal online drug sellers are manufactured by criminals who deliberately and fraudulently misrepresent the product in order to trick consumers into thinking they are purchasing a legitimate and safe medicine;

(11) these counterfeit drugs are frequently manufactured in unsanitary conditions and may contain the wrong ingredients, lack active ingredients, have insufficient or contaminated active ingredients, or contain too many active ingredients;

(12) counterfeit drugs obtained from illegal online drug sellers have been found to contain harmful ingredients including arsenic, boric acid, brick dust, cement powder, chalk dust, floor polish, leaded road paint, nickel, shoe polish, and talcum powder;

(13) United States citizens deserve access to safe and legitimate online pharmacies and protection from illegal Internet websites that sell counterfeit or otherwise illegitimate medication;

(14) while the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Public Law 110–425) has helped to prevent illegitimate online sales of prescribed controlled substances, illegal online sellers continue to sell other types of prescription drugs and stronger laws are needed to stop them; and

(15) greater education and awareness regarding illegal online drug sellers will help to protect the United States drug supply chain from infiltration by unregulated and counterfeit products.

SEC. 3. VALID PRESCRIPTIONS.

Section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (B), by striking ''shall be dispensed'' and all that follows through ''the pharmacist.'' and inserting the following: ''shall be dispensed only pursuant to a valid prescription that is (i) a written prescription of a practitioner licensed by law to administer such drug; (ii) an oral prescription of such practitioner which is reduced promptly to writing by the pharmacist; (iii) an electronic prescription issued by a practitioner licensed by law to administer such

drug; or (iv) the refill of any such written, oral, or electronic prescription if such refilling is authorized by the prescriber either in the original prescription, electronic prescription, or by oral order which is reduced promptly to writing by the pharmacist.''; and

(2) by adding at the end the following:

''(6) In this paragraph:

''(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

''(i) a licensed practitioner who has conducted at least 1 in-person medical evaluation of the patient, subject to paragraph (7);

''(ii) a covering practitioner; or

''(iii) a practitioner engaged in the practice of telemedicine.

''(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

''(ii) Nothing in clause (i) shall be construed to imply that 1 in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(C) The term 'covering practitioner' means, with respect to a patient, a licensed practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a licensed practitioner who—

''(i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and

''(ii) is temporarily unavailable to conduct the evaluation of the patient.

''(D) The term 'practice of telemedicine' has the meaning given that term in section 102 of the Controlled Substances Act.

''(7) For purposes of paragraph (6), an in-person medical evaluation of the patient is not required if—

''(A) the prescribing practitioner is issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the Centers for Disease Control and Prevention; or

''(B) the prescription, administration, or dispensing is through a public health clinic or other distribution mechanism approved by the State health authority in order to prevent, mitigate, or treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of a biological, chemical, or radiological agent.

''(8) The Secretary may by regulation establish exceptions to the requirements described in paragraph (6) with respect to a drug, based on criteria established by the Secretary.''.

SEC. 4. REGISTRY OF LEGITIMATE ONLINE PHARMACY WEBSITES.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

''SEC. 510A. REGISTRY OF LEGITIMATE ONLINE PHARMACY WEBSITES.

''(a) DEFINITIONS.—In this section:

''(1) DISPENSING PHARMACY.—The term 'dispensing pharmacy' means a pharmacy that dispenses, distributes, or supplies prescription drugs pursuant to orders made on, through, or on behalf of, an online pharmacy website.

''(2) DOMAIN NAME.—The term 'domain name' has the meaning given that term in section 45 of the Lanham Act (15 U.S.C. 1127).

''(3) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' has the meaning given that term in section 5362(4) of title 31, United States Code.

''(4) INTERNET WEBSITE.—The term 'Internet website' means the collection of digital assets, including links, indexes, or pointers to digital assets, accessible through the Internet that are addressed relative to a common domain name.

''(5) LEGITIMATE ONLINE PHARMACY WEBSITE.—The term 'legitimate online pharmacy website' means an online pharmacy website that is included in the Registry pursuant to a designation by the Secretary under this section.

''(6) ONLINE PHARMACY WEBSITE.—The term 'online pharmacy website' means an Internet website that offers, sells, dispenses, or distributes, or facilitates the sale, dispensing, or distribution of prescription or other drugs to consumers.

''(7) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug that is subject to section 503(b)(1).

''(b) ESTABLISHMENT OF REGISTRY.—The Secretary shall establish a Registry of Legitimate Online Pharmacy Websites (referred to in this section as the 'Registry') for the purpose of educating consumers and promoting public health and safety.

''(c) CRITERIA.—The Secretary shall designate an online pharmacy website as a legitimate online pharmacy website, and include such legitimate online pharmacy website on the Registry, if the Secretary determines that—

''(1) the online pharmacy website is accredited by the United States National Association of Boards of Pharmacy Verified Internet Pharmacy Practice Sites program; or

''(2) the online pharmacy website meets each of the following requirements:

''(A) Prescription drugs ordered, sold, dispensed, distributed, supplied, or provided through or by the online pharmacy website are sold, dispensed, distributed, supplied, or provided solely by dispensing pharmacies that are domiciled in the United States and that maintain pharmacy licensure, a permit, or registration in good standing in all United States jurisdictions where such dispensing pharmacies provide services or are required to maintain such licensure, permit, or registration.

''(B) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription or other drugs on behalf of the online pharmacy website, maintains a valid Drug Enforcement Administration registration, unless such registration is not required by Drug Enforcement Administration regulations.

''(C) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, dispenses, distributes, supplies, provides, or offers or attempts to dispense, distribute, supply, or provide, prescription drugs only pursuant to a valid prescription (as defined in section 503(b)).

''(D) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, complies with applicable Federal and State laws and regulations applicable to pharmacy practice.

''(E) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription or other drugs on behalf of the online pharmacy website, does not dispense, distribute, supply, provide, offer or attempt to dispense, distribute, supply, or provide, advertise, or promote prescription or other drugs that have not been approved by the Food and Drug Administration.

''(F) The online pharmacy website prominently displays the following information:

''(i) An accurate United States street address of each dispensing pharmacy or the corporate or other legal business entity headquarters of each dispensing pharmacy.

''(ii) An accurate, readily accessible, and responsive telephone number or other secure accurate means that allows the consumer to contact or consult with the pharmacist about his or her prescription drug.

''(G) The online pharmacy website does not make any statements, regarding the nature of any dispensing pharmacy or product offered via the website, that are materially misleading or fraudulent.

''(H) The domain name registration information applicable to the online pharmacy website is accurate, not anonymous, and has a logical nexus to each dispensing pharmacy or the corporate or other legal business headquarters of each dispensing pharmacy.

''(I) The online pharmacy website, including any operator, content owner, or domain name registrant of the online pharmacy website, is not affiliated with, and does not own or control any other online pharmacy website that violates the requirements under this paragraph.

''(J) The online pharmacy website, including any operator, content owner, or domain name registrant of the online pharmacy website, is not affiliated with, and does not own or control any other online pharmacy website that violates Federal or State law.

''(K) Information that would be considered protected health information under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (commonly referred to as the 'HIPAA Privacy Rule') is transmitted by the online pharmacy website and each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, in accordance with the requirements of such Act, including the use of Secure-Socket Layer or equivalent technology for the transmission of protected health information, and the online pharmacy website displays its privacy policy and that such policy complies with the requirements of the HIPAA Privacy Rule.

''(L) The online pharmacy website complies with other requirements as determined appropriate by the Secretary, in consultation with other Federal and State agencies responsible for regulating the practice of pharmacy.

''(d) PROCESS.—

''(1) APPLICATION.—The Secretary shall develop an application process through which an interested operator, content owner, or domain name registrant of an online pharmacy website may apply for inclusion on the Registry. Such an application shall be submitted in such form and manner as required by the Secretary and shall include, at a minimum, information to determine whether the online pharmacy website satisfies the criteria described under subsection (c). The Secretary shall not charge a fee for submission of an application.

''(2) IDENTIFICATION WITHOUT APPLICATION.—

''(A) IN GENERAL.—The Secretary shall take reasonable steps to identify online pharmacy websites for which no application has been submitted under paragraph (1) and evaluate whether these online pharmacy websites satisfy the criteria described under subsection (c).

''(B) COMPLIANCE CONFIRMED.—In cases where satisfaction of the criteria described under subsection (c) can be verified without the receipt of an application, an online pharmacy website that the Secretary determines to satisfy such criteria may be designated as a legitimate online pharmacy website and

included on the Registry and the operator, content owner, or domain name registrant of such online pharmacy website shall be notified of such placement.

''(C) ADDITIONAL INFORMATION REQUIRED.—In cases where satisfaction of the criteria described under subsection (c) cannot be verified without additional information or some corrective action by the online pharmacy website operator, content owner, or domain name registrant, the online pharmacy website shall not be designated as a legitimate online pharmacy website or placed on the Registry until the additional information is received by the Secretary and the Secretary determines that all applicable and necessary corrective actions have been taken.

''(3) REGULATIONS REGARDING APPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations—

''(i) to establish the timeframes applicable to informing online pharmacy website operators, content owners, or domain name registrants that submit an application under paragraph (1) of the acceptance or denial of such application;

''(ii) to address what information may be shared with or withheld from online pharmacy website operators, content owners, or domain name registrants that submit such an application regarding corrective actions that would need to be taken to establish compliance with the Registry requirements;

''(iii) to establish an appeal process giving online pharmacy website operators, content owners, or domain name registrants that submit such an application the ability to request a second review of the application to determine compliance with the Registry requirements; and

''(iv) to address other procedural matters regarding the receipt and evaluation of applications submitted under paragraph (1) as the Secretary determines necessary.

''(B) LIMITATION REGARDING APPEALS PROCESS.—The appeals process established under subparagraph (A)(iii) shall in no case require the Secretary—

''(i) to disclose information that may impede an ongoing or potential criminal or regulatory investigation; or

''(ii) to provide an opportunity for appeal in cases where the Secretary determines, in the Secretary's sole discretion, that the violation of a Registry requirement is materially significant, such a violation is not likely to be curable, or the applicant has engaged in a pattern of violations of Federal or State law.

''(4) AUTHORITY AND PROCESS FOR REMOVAL FROM REGISTRY.—

''(A) IN GENERAL.—The Secretary shall have the authority to remove an online pharmacy website from the Registry—

''(i) upon determination that the online pharmacy website is not in compliance with the criteria as established by this section;

''(ii) upon determination that the online pharmacy website was mistakenly included in the Registry; or

''(iii) for good cause as determined by the Secretary based on credible evidence.

''(B) PROCESS.—If the Secretary determines that an online pharmacy website shall be removed from the Registry under subparagraph (A), the Secretary shall provide notice to the operator, content owner, or domain name registrant of the online pharmacy website of the determination, the date of the removal of the website from the Registry, and the reasons for removal.

''(C) REGULATIONS FOR APPEAL PROCESS.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations that provide the operator, content owner, or domain name registrant of an online pharmacy website removed from the Registry the ability to appeal the removal and to provide information to correct matters that served as basis for removal from the Registry. Such regulations shall provide a reasonable time period to correct the grounds for removal.

''(ii) LIMITATION REGARDING APPEALS PROCESS.—The appeals process established under clause (i) shall in no case require the Secretary—

''(I) to disclose information that may impede an ongoing or potential criminal or regulatory investigation; or

''(II) to provide an opportunity for appeal in cases where the Secretary determines, in the Secretary's sole discretion, that the violation of a Registry requirement is materially significant, such a violation is not likely to be curable, or the applicant has engaged in a pattern of violations of Federal or State law.

''(e) CONTRACTS WITH PRIVATE ENTITIES.—

''(1) IN GENERAL.—The Secretary may enter into contracts with the United States National Association of Boards of Pharmacy or other private entities to—

''(A) review applications submitted under subsection (d)(1) and evaluate whether the online pharmacy website satisfies the criteria described under subsection (c);

''(B) on an ongoing basis, review and identify online pharmacy websites for which no application has been submitted under subsection (d)(1) and evaluate whether these online pharmacies satisfy the criteria described under subsection (c);

''(C) make recommendations to the Secretary as to whether an online pharmacy website, either through application or through identification under subparagraph (B), satisfies the criteria under subsection (c);

''(D) notify the Food and Drug Administration of online pharmacy websites that do not to satisfy such criteria; and

''(E) provide services to maintain the Registry.

''(2) CONTRACTING.—In contracting with entities under this subsection, the Secretary—

''(A) may waive such provisions of the Federal Acquisition Regulation, except for provisions relating to confidentiality of information, as necessary for the efficient implementation of this subsection and for selecting such entities; and

''(B) shall select entities that have demonstrated a history of competency in reviewing, evaluating, and determining the legitimacy of online pharmacy websites, based on standards approved by the United States National Association of Boards of Pharmacy.

''(3) TERMS OF CONTRACT.—A contract with an entity under this subsection shall include such terms and conditions as specified by the Secretary, including the following:

''(A) The entity shall monitor the Internet on an ongoing basis in order to sufficiently maintain a current list of legitimate online pharmacy websites for consideration by the Secretary.

''(B) On at least a monthly basis, the entity shall submit to the Secretary an updated list of legitimate online pharmacy websites recommended for inclusion on the Registry.

''(f) USE OF REGISTRY.—

''(1) PUBLIC AVAILABILITY.—The Secretary shall—

''(A) make the Registry available to Internet advertising services, financial transaction providers, domain name registries, domain name registrars, other domain name authorities, information location tool service providers, and others as determined necessary and appropriate by the Secretary to promote public health and safety;

''(B) make the Registry available to consumers and other interested persons through publication on the Internet website of the Food and Drug Administration; and

''(C) specify the Registry criteria used to designate legitimate online pharmacy websites on the Internet website of the Food and Drug Administration.

''(2) CONSUMER EDUCATION.—The Secretary shall—

''(A) engage in a campaign to educate consumers on the availability and use of the Registry to promote public health and safety through means as determined appropriate and necessary by the Secretary, which may include radio, television, print media, and Internet public service announcements; and

''(B) make consumer education materials available, on the Internet website of the Food and Drug Administration and in a consumer-friendly form and manner, regarding how to safely purchase drugs over the Internet.

''(g) REFUSAL OF SERVICE; IMMUNITY.—

''(1) REFUSAL OF SERVICE.—A domain name registry, domain name registrar, other domain name authority, financial transaction provider, information location tool service provider, or Internet advertising service, acting in good faith based on the Registry, may cease or refuse to provide services to an online pharmacy website that is not included on the Registry.

''(2) IMMUNITY FROM LIABILITY.—An entity described in paragraph (1), including the directors, officers, employees, or agents of such entity, that, acting in good faith, ceases or refuses to provide services to an online pharmacy website that is not listed on the Registry shall not be liable to any party under any Federal or State law for such action.

''(3) IMMUNITY FROM SUIT.—No cause of action shall lie in any court or administrative agency against any entity described in paragraph (1), including the directors, officers, employees, or agents of such entity, that, acting in good faith, ceases or refuses to provide services to an online pharmacy website that is not included on the Registry.''.

SEC. 5. FUNDING.

There is authorized to be appropriated such sums as may be necessary to carry out this Act (and the amendments made by this Act).

SEC. 6. EFFECTIVE DATE.

This Act (and the amendments made by this Act) shall take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. INOUYE, and Ms. LANDRIEU).

S. 2004. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of New Mexico. Mr. President, last week we marked the 70th anniversary of the attack on Pearl Harbor, an event that led to the U.S. into the Second World War. But that wasn't the only important 70th anniversary commemorated last week. Seventy years ago, on December 8, 1941, the day after the attack on Pearl Harbor, halfway across the world the long battle for control of the strategically important country of the Philippines began.

This is a battle that began in the air and on the sea, but would ultimately see the surrendered American and Filipino troops forced on a brutal death

march, languishing in substandard POW camps, and in many cases, succumbing to malnourishment, mistreatment, and disease.

It is on behalf of all of these soldiers that I introduce legislation to honor the Defenders of Bataan, a peninsula on the island of Luzon where the battle ended, but the hellish journey began, with a Congressional Gold Medal. They are most deserving and this honor is, I believe, long overdue.

Soon after the air and naval battle for the Philippines began, the Japanese would land a sizable force to take control of Luzon. Ten days later the Japanese began their main offensive into the island.

On Christmas Eve, 1941, General MacArthur put War Plan Orange 3 into effect. This plan called for some troops to delay the Japanese advance as the greater force withdrew into Bataan. According to historical documents, the purpose of the plan was to keep Manila Bay from Japanese control until the U.S. Navy could reopen the supply lines that had been cut off after the attack on Pearl Harbor.

With the supply lines cut off, troops also had no hope of reinforcements. Despite this logistical nightmare, they valiantly fought to defend the Philippines. For months, against all odds, they held back the enemy advance. The Japanese, hoping for a swift victory, were forced to slow the pace of their Pacific strategy. The delay enabled U.S. and allied forces the chance to regroup in the Pacific and prepare for the eventual liberation of occupied Pacific islands and the Philippines.

But by April of 1942, the defenders of Bataan were malnourished and exhausted. With no hope of overcoming the overwhelming conditions, they were ordered to surrender. While many followed the order to lay down their arms, others still fought to disrupt the Japanese by forming guerrilla units to maintain the opposition.

One such guerrilla leader was Oklahoma native and Choctaw Warrior Lt. Colonel Edward McClish, who, according to the U.S. Navy's historical website, ''had an organization of more than 300 soldiers, with four machine guns, 150 rifles, and six boxes of ammunition.''

Following capture, the defenders of Bataan suffered three years of intense hardship. Many would not survive. They would be forced to endure what became known as the horrendous 65-mile Bataan Death March. They would languish in substandard POW camps, where their malnourishment worsened and disease was rampant. Many others would be shipped to Japan on the dreaded hell ships. One such ship, the Arisan Maru, claimed nearly 1,800 American lives.

For us New Mexicans, the events of Bataan strike home particularly hard. Eighteen hundred men from New Mexico's 200th and 515th regiments left their homes to fight. Approximately half returned. These soldiers, largely of Hispanic origin, earned the honor of being the first to fire and defend the Philippines on December 8. A special group, they were successors to the New Mexico National Guardsmen who made up part of Teddy Roosevelt's famed ''Rough Riders'' from the Spanish-American war.

One of these men, Eliseo Lopez, a Bataan defender who was born in Springer, NM, endured all the horrors Bataan had to offer. A member of the 200th Coast Artillery Regiment he trained at Ft. Bliss and was deployed to Manila before war broke out. He fought the Japanese on Bataan. He survived the Death March to Camp O'Donnell and was moved to Cabanatuan prison camp. He was taken on a hell ship to Japan, and was forced to labor in a copper mine until he was rescued in September of 1945. Mr. Lopez died this past November at the age of 92. His obituary alone is a record of the tremendous service to the United States given by the Bataan defenders.

In New Mexico, we continue to honor and respect our Bataan Defenders. We remember their suffering. We take pride in their heroism. Every year we commemorate their sacrifice with a march at White Sands Missile Range. Other States, such as Missouri, have similar marches. In April, Missouri will honor their Bataan veterans with a march on the Katy Trail State Park.

The people of the United States and Philippines are forever indebted to Eliseo Lopez and the other men who served with him and endured the similar horrors. They represented the best of America. They hailed from diverse locales, but were united in their valor and in their devotion to their country. Their courage and tenacity during the first four months of World War II, and their perseverance during 3 years of imprisonment truly deserves the recognition of a Congressional Gold Medal. I urge my colleagues to join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 348—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY SHOULD TAKE ACTIONS TO INCREASE THE TRANSPARENCY AND ACCOUNTABILITY OF THE SMALL BUSINESS LENDING FUND PROGRAM

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 348

Whereas the Government Accountability Office published a report in December 2011 entitled ''Small Business Lending Fund: Additional Actions Needed to Improve Transparency and Accountability'' (GAO–12–183) (referred to in this preamble as the ''GAO Report'');

Whereas the GAO Report highlighted that ''Federal government internal control standards state that management should ensure that the agency has adequate means of communicating with and obtaining information from external stakeholders when such information could have a significant impact on the agency's achieving its goals.'';

Whereas the GAO Report found that the Secretary of the Treasury's ''lack of clarity in explaining program requirements and decisions created confusion among applicants'';

Whereas the GAO Report expressed the following: ''Internal control standards for the federal government state that internal control activities are a major part of efficiently and effectively managing a program. Control activities, such as (1) proper execution of transactions and events, (2) accurate and timely recording of transactions and events, (3) and establishing and reviewing performance measures, are an integral part of an agency's planning, implementing, reviewing, and accountability for stewardship of government resources and achieving effective results. Establishing performance measures and developing a process for monitoring participating financial institutions will be critical to identifying and addressing any potential problems in these institutions' compliance with program requirements. Until Treasury finalizes its plans for monitoring compliance and assessing impact in a timely manner, it will not be positioned to anticipate and manage payment problems and other program risks.'';

Whereas the GAO Report concluded that the Secretary of the Treasury has not finalized plans for assessing the impact of the Small Business Lending Fund Program on small business lending or procedures for monitoring recipients for compliance with requirements of the Small Business Lending Fund Program; and

Whereas the GAO Report concluded that, until the Secretary of the Treasury finalizes plans for monitoring compliance with and assessing the impact of the Small Business Lending Fund Program in a timely manner, the Secretary will not be positioned to anticipate and manage payment problems and other program risks: Now, therefore, be it

Resolved, That it is the sense of the Senate that, as recommended by the Comptroller General of the United States in the December 2011 report entitled ''Small Business Lending Fund: Additional Actions Needed to Improve Transparency and Accountability'' (GAO–12–183)—

(1) to promote transparency and improve communication with participants in the Small Business Lending Fund Program and other interested stakeholders, such as Congress and the appropriate Federal banking agencies (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the Secretary of the Treasury should apply lessons learned from the application review phase of the Small Business Lending Fund Program to help improve the communication strategy of the Secretary; and

(2) to enhance the transparency and accountability of the Small Business Lending Fund Program, the Secretary of the Treasury should finalize—

(A) procedures for monitoring participants in the Small Business Lending Fund Program, including procedures to ensure that the Secretary is receiving accurate information on small business lending by such participants; and

(B) plans for assessing the performance of the Small Business Lending Fund Program, including measures that can isolate the impact of Small Business Lending Fund Program from other factors that affect small business lending.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1464. Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity.

TEXT OF AMENDMENTS

SA 1464. Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Targeting Transnational Drug Trafficking Act of 2011''.

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking ''It shall'' and all that follows and inserting the following: ''It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

''(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

''(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

''(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 15, 2011, at 10:30 a.m. in room 328A of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on December 15, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a joint hearing entitled, ''Review of the NRC's Near-Term Task Force Recommendations for Enhancing Reactor Safety in the 21st Century.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 15, 2011 at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Prescription Drug Shortages: Examining a Public Health Concern and Potential Solutions'' on December 15, 2011, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 15, 2011, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2011, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled, ''Improving Governance in the Democratic Republic of Congo.''

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 15, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Environmental Risks of Genetically Engineered Fish.''

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2011, at 11 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''The U.S.-Caribbean Shared Security Partnership: Responding to the Growth of Trafficking Narcotics in the Caribbean.''

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

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Patrick Norton and Will Frey, interns in Senator PAUL's office, be granted floor privileges for the remainder of the day.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that MAJ James Long, an Air Force fellow in Senator THUNE's office, be granted floor privileges during today's and tomorrow's sessions of the Senate.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that LTC John Novak, a legislative fellow in my office, be granted floor privileges during the remainder of today's session.

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

FALLEN HEROES OF 9/11 ACT

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to H.R. 3421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3421) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Michigan.

CORRECTING THE ENROLLMENT OF H.R. 2845

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 93, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for a correction to the enrollment of the bill H.R. 2845.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 93) was agreed to.

TARGETING TRANSNATIONAL DRUG TRAFFICKING ACT OF 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1612 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1612) to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements be printed in the RECORD.

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

The amendment (No. 1464) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Targeting Transnational Drug Trafficking Act of 2011''.

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking ''It shall'' and all that follows and inserting the following: ''It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

''(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

''(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

''(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.''.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1612), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 347 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as cosponsor of this measure.

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

Mr. DURBIN. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 347

Whereas 40 years ago, with the passage of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), the leaders of the United States came together to set the country on a concerted course to conquer cancer through research;

Whereas the passage of the National Cancer Act of 1971 led to the establishment of the National Cancer Program, which significantly expanded the authorities and responsibilities of the National Cancer Institute, a component of the National Institutes of Health;

Whereas the term ''cancer'' refers to more than 200 diseases that collectively represent the leading cause of death for people in the United States under the age of 85, and the second leading cause of death for people in the United States overall;

Whereas cancer touches everyone, either through a direct, personal diagnosis or indirectly through the diagnosis of a family member or friend;

Whereas, in 2011, cancer remains one of the most pressing public health concerns in the United States, with more than 1,500,000 people in the United States expected to be diagnosed with cancer each year;

Whereas the National Institutes of Health estimated the overall cost of cancer to be greater than $260,000,000,000 in 2010 alone;

Whereas approximately 1 out of every 3 women and 1 out of every 2 men will develop cancer in their lifetimes, and more than 570,000 people in the United States will die from cancer this year, which is more than 1 person every minute and nearly 1 out of every 4 deaths;

Whereas the commitment of the United States to cancer research and biomedical science has enabled more than 12,000,000 people in the United States to survive cancer, 15 percent of whom were diagnosed 20 or more years ago, and has resulted in extraordinary progress being made against cancer, including—

(1) an increase in the average 5-year survival rate for all cancers combined to 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971;

(2) average 5-year survival rates for breast and prostate cancers exceeding 90 percent;

(3) a decline in mortality due to colorectal cancer and prostate cancer; and

(4) from 1990 to 2007, a decline in the death rate from all cancers combined of 22 percent for men and 14 percent for women, resulting in nearly 900,000 fewer deaths during that period;

Whereas the driving force behind this progress has been support for the National Cancer Institute and its parent agency, the National Institutes of Health, which funds the work of more than 325,000 researchers and research personnel at more than 3,000 universities, medical schools, medical centers, teaching hospitals, small businesses, and research institutions in every State;

Whereas the commitment of the United States to cancer research has yielded substantial returns in both research advances and lives saved, and it is estimated that every 1 percent decline in cancer mortality saves the economy of the United States $500,000,000,000 annually;

Whereas advancements in understanding the causes and mechanisms of cancer and improvements in the detection, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas continued support for clinical trials to evaluate the efficacy and therapeutic benefit of promising treatments for cancer is essential for translating new knowledge and discoveries into tangible benefits for patients, especially because all standard cancer therapies began as clinical trials;

Whereas, despite the significant progress that has been made in treating many cancers, there remain those cancers for which the mortality rate is extraordinarily high, including pancreatic, liver, lung, multiple myeloma, ovarian, esophageal, stomach, and brain cancers, which have a 5-year survival rate of less than 50 percent;

Whereas research advances concerning uncommon cancers, which pose unique treatment challenges, provide an opportunity for understanding the general properties of human cancers and curing uncommon cancers as well as more common cancers;

Whereas crucial developments have been achieved in cancer research that could provide breakthroughs necessary to address the increasing incidence of, and reduce deaths caused by, many forms of cancer;

Whereas research into the effect of certain forms of cancer on different population groups offers a significant opportunity to lessen the burden of the disease, because many population groups across the country suffer disproportionately from certain forms of cancer; and

Whereas a sustained commitment to the research of the National Institutes of Health

and the National Cancer Institute is necessary to improve the entire spectrum of patient care, from cancer prevention, early detection, and diagnosis, to treatment and long-term survivorship, and to prevent research advances from being stalled or delayed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778); and

(2) celebrates and reaffirms the commitment embodied in the National Cancer Act of 1971, specifically, that support for cancer research continues to be a national priority to address the scope of this pressing public health concern.

MEASURE READ THE FIRST TIME—H.R. 3094

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR FRIDAY, DECEMBER 16, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Friday, December 16, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

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

PROGRAM

Mr. DURBIN. Mr. President, we continue to work on an agreement to consider the omnibus spending bill and a payroll tax compromise. Senators will be notified when votes are scheduled.

The majority leader filed cloture on the motion to proceed to H.R. 3630 this evening. Unless an agreement is reached, that vote will be Saturday morning.

ADJOURNMENT UNTIL 10 AM TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Friday, December 16, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MICHAEL A. RAYNOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

JACOB WALLES, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TUNISIAN REPUBLIC.

NATIONAL LABOR RELATIONS BOARD

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. HARRIS J. KLINE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD M. ERIKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL GARY M. BATINICH
BRIGADIER GENERAL RICHARD S. HADDAD
BRIGADIER GENERAL ROBERT M. HAIRE
BRIGADIER GENERAL MICHAEL D. KIM
BRIGADIER GENERAL MARK A. KYLE
BRIGADIER GENERAL KEVIN E. POTTINGER
BRIGADIER GENERAL ROBERT D. REGO
BRIGADIER GENERAL GEORGE F. WILLIAMS

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

RACHEL L. BRAND, OF IOWA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2017. (NEW POSITION)

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2012. (NEW POSITION)

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2018. (REAPPOINTMENT)

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2013. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

RONALD P. VERDONK, OF MARYLAND
BRUCE J. ZANIN, OF CALIFORNIA

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. STEVEN FERRARI

CONFIRMATION

Executive nomination confirmed by the Senate December 15, 2011:

THE JUDICIARY

MORGAN CHRISTEN, OF ALASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 15, 2011 withdrawing from further Senate consideration the following nomination:

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

EXTENSIONS OF REMARKS

HONORING THE RETIREMENT OF DOTTIE P. MARSHALL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. MORAN of Virginia. Mr. Speaker, today, I come before this body to give praise and express gratitude to Dottie P. Marshall, National Park Service Superintendent for the George Washington Memorial Parkway. Dottie is retiring this month after close to forty years of service with the National Park Service. She began her career in 1971 as a member of the Youth Conservation Corps at Harpers Ferry National Historic Park. She went on to direct one of the service's Youth Conservation Corps camps. Over the years she has been a budget analyst, administrative officer, Deputy Superintendent, Associate Regional Director and Superintendent.

I first met Dottie when she began work at the George Washington Memorial Parkway more than 12 years ago. The Parkway is the largest contiguous property in my congressional district. It includes Arlington House, the Robert E. Lee Memorial and the Women in the Military Service for America Memorial, more than 29 sites and resources. They all enhance the lives of my constituents on a daily basis. Of course, throughout our acquaintance there have been dozens of contentious issues we have had to deal with over the years. But, almost all of them have been resolved amicably. And in the pressure cooker that the Nation's capital can become, she has deftly managed to solve problems large and small before any lids were blown. Dottie epitomizes "grace under fire."

Recounting them now is like a walk down memory lane. From standing with her when rumors about the imminent closure of the popular Belle Haven Marina generated a large and angry turnout to discussing which type of plant would be the ideal buffer between a residential neighborhood and Jones Point Park, Dottie has shown leadership and wisdom. In every circumstance and on every occasion, Dottie has been fair, honest and dedicated in her commitment to resolve whatever matter was at hand. In fact, long ago she earned my respect, trust and appreciation.

I am particularly proud of several major projects that she successfully completed, including restoration of the Slave Quarters at Arlington House, improving the ramp from the 14th Street Bridge onto the northbound lanes of the parkway and honoring the World War II veterans who finally received their long overdue recognition for their intelligence work at the secret interrogation facility known as "P.O. Box 1142," today known as Fort Hunt.

I wish her the best in her future pursuits. Dottie can take pride in knowing her skillful management will ensure that of many of our Nation's treasured historic, cultural and natural resources will endure long after we are all gone.

Dottie, congratulations on a job well done, and thank you for your exceptional service.

EXPANSION OF THE WOMEN'S POST TRAUMATIC STRESS DISORDER RESIDENTIAL TREATMENT PROGRAM AT THE BATAVIA VA MEDICAL CENTER

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. HOCHUL. Mr. Speaker, it is my distinct honor to take the opportunity to recognize the expansion of the Womens' Post Traumatic Stress Disorder Residential Treatment Program at the Batavia VA Medical Center in my district today. This is the first residential PTSD treatment center for women veterans in New York State. The VA is anticipating the treatment of up to 120 women veterans at this facility, and will provide care from 6–8 weeks depending on their needs. The $5.4 million in funding for this project was provided by a women's health initiative by the Department of Veterans Affairs and will help provide vital services to female veterans throughout Western New York.

For over two decades women have served on the battlefield, leading to unprecedented trauma that requires focused treatment upon their return to civilian life. And with more women serving in the military than ever before—15 percent of all active military personnel and 20 percent of reservists—we must expand the availability of health facilities and benefits to our women veterans.

According to the Department of Veterans Affairs, women veterans are four times more likely to have long lasting PTSD than men, which may lead to severe depression, substance abuse, and physical health problems. The VA is taking the proper steps to adapt to the growing number of women veterans; however, there are currently less than a dozen centers in the United States that provide PTSD services.

Without the selfless actions of all the brave men and women of the Armed Forces, past and present, our country would not live so freely. For years, our veterans have gone untreated for PTSD, causing perpetual hardships for them and their families after they have returned home from the battlefield. Today, we recognize our female veterans and make progress in providing them with the proper care they need and deserve.

HONORING THELMA AND JOSEPH LASALVIA FOR RECEIVING THE CHRISTE FIDELIS AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor two of my constituents, Thelma and Joseph LaSalvia, for receiving the Christe Fidelis Award in recognition of their devotion to their faith and to St. Louis de Montfort Parish.

On November 6, 2011, Cardinal Francis George of Chicago honored Thelma and Joseph LaSalvia with the Christe Fidelis Award at a prayer service celebrated at Holy Name Cathedral. Christe Fidelis, which translates to "Loyalty to Christ," is awarded to Catholics throughout the Archdiocese who have demonstrated a high level of Christian service through various ministries in their respective parishes.

Thelma and Joe LaSalvia are well deserving of this award. Over the years, they have been involved in the ministry of care to the sick, the capital campaign, and the church's contemporary choir. They also celebrate a weekly communion service at a local nursing home, volunteer on the church decorating committee, and serve as sacristans for their weekday liturgies. Through this aid they illustrate their dedication to the parish and to making a positive difference in the lives of many people in need.

As a fellow Catholic, I am strengthened by their example of faithful living. Their help to those in need, to the sick, and to the elderly is remarkable. I applaud Thelma and Joe LaSalvia for their selfless dedication to others and wish them well as they continue their journey as faithful Catholics serving others.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mrs. MALONEY. Mr. Speaker, Iran's quest for nuclear weapons puts the entire globe at risk.

Iran has proven itself to be less than truthful in its discussions about its nuclear weapons program. It hid its nuclear enrichment facility in Qom from the International Atomic Energy Agency (IAEA). It told the world it was enriching uranium for non-military purposes, but the enrichment site at Qom and elsewhere appear to have no civilian application.

And while sanctions have had some impact, Iran has persisted in its efforts to obtain nuclear weapons. Iran has also succeeded in evading the impact of existing sanctions by creating one front company after another to shield its activities.

What's particularly troubling, is that at the same time as it is building its nuclear program, Iran has continued to threaten its neighbors. It has armed and funded Hezbollah and Hamas, which are dedicated to eradicating the state of Israel. In 2005, Iran's President Mahmoud Ahmadinejad said that Israel should be wiped off the face of the map. In 2008, he said: "The people of the region would not miss the narrowest opportunity to annihilate this false regime."

But Israel is not Iran's only target. In November a senior commander of Iran's Revolutionary Guard threatened to bomb NATO bases in Turkey. Iran is currently threatening to close the straits of Hormuz, which will affect shipping, with particular impact on the crude oil exported from Saudi Arabia, Iran, the United Arab Emirates, Kuwait and Iraq and liquid natural gas from Qatar.

Given Iran's success in developing a nuclear program, a number of its neighbors have suggested that they may follow suit, creating further instability in the region. Earlier this month, Turki al-Faisal, who has served as the Saudi intelligence chief and as ambassador to the United States, suggested that Saudi Arabia may seek nuclear weapons. Wikileaks revealed that Egypt's leaders told U.S. officials that Egypt would acquire nuclear weapons if Iran did. This lends greater urgency to the need to persuade Iran to end its nuclear ambitions.

Nuclear weapons are particularly threatening when held by a nation whose leaders have no apparent respect for human life. Iran has an unrivaled record of human rights abuses, from the imprisonment of people of the Ba'hai faith, to the use of the death penalty against minors, to the use of torture and amputation against prisoners, to discrimination against women, to the suppression and murder of members of the democracy movement. With thousands of its citizens murdered, tortured or imprisoned, Iran's record of human rights abuses is among the worst in the world.

History shows that when dictators threaten their neighbors, there's good reason to fear. And given Iran's history of threats, its dedicated progress in enriching uranium, its evident determination to hide its nuclear program from the world and its abysmal human rights record, the world should do everything possible to hinder it from obtaining nuclear weapons.

That's why I strongly support H.R. 1905, the Iran Threat Reduction Act, which would implement a commonsense enhancement of existing sanctions—by providing greater options to sanction entities doing business with the Central Bank of Iran; by expanding the types petroleum-related activities that could trigger sanctions to include certain petroleum resource agreements with Iran, purchasing Iranian debt and supporting port facility construction and management; by imposing sanctions on individuals involved in human rights abuses or terrorism; by imposing sanctions on those who do business with Iran's Revolutionary Guard; by allowing states or other organizations to divest from Iran; by identifying those entities that are helping Iran evade sanctions, among other things.

I urge my colleagues to join me in voting in support of H.R. 1905.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. FILNER. Mr. Speaker, on rollcall 931, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

IN OPPOSITION OF IMPLICATIONS TO MEDICAL RESEARCH IN H.R. 1254

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. MATSUI. Mr. Speaker, I rise today to bring attention to a possible unintentional consequence of H.R. 1254, the Synthetic Drug Control Act of 2011. This legislation would add two categories of synthetic drugs to the list of Schedule I controlled substances.

While I am troubled by news reports involving these drugs and I support restrictions on the sale of these chemicals for purposes of illicit use, I am concerned about the impact the ban would impose on legitimate scientific research, including much needed medical advances.

To maintain our position in the world as the leader in the research and development of pharmaceuticals, we must ensure that researchers have access to the compounds necessary to discover and create new drugs. We cannot afford to stifle these advancements. At a time when other countries continue to make gains in medical research, we must make certain our researchers have all available means necessary to further their studies and uphold our competitive edge.

If enacted into law, should this measure hinder any progress in the arena of medical research, I would urge Congress to re-examine this issue in a way that protects public health while continuing to make much needed medical advancements possible. In the meantime, I would also urge my colleagues in the Senate to thoroughly examine this issue during any consideration of H.R. 1254 or a similar legislative proposal.

HONORING CHIEF MASTER SERGEANT DAVID W. PARKER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. JORDAN. Mr. Speaker, I am honored to commend to the House the outstanding contributions of Chief Master Sergeant David W. Parker who recently retired after thirty-two years of service with the Ohio Air National Guard's 180th Fighter Wing.

Chief Parker enlisted in the Ohio Air National Guard on December 31, 1979, and began basic training in February, 1980. He started as an Electronic Warfare Specialist in the Electronic Counter Measures Shop in the Consolidated Aircraft Maintenance Squadron. There he earned the rank of Technical Sergeant.

In 1994, Chief Parker was chosen as one of only three members of the 180th to be part of the Combined Task Force at Incirlik Air Base, Turkey, where he was part of a team that provided electronic countermeasures maintenance support.

In 1995, he was promoted to Master Sergeant. In 1998, he was selected First Sergeant of the Aircraft Maintenance Squadron. He was named the Enlisted Association's First Sergeant of the Year in 1998 and the 180th Fighter Wing First Sergeant of the Year in both 1998 and 2004.

He became Senior Master Sergeant in 2005 and Chief Master Sergeant in 2008. In 2010 he became the NCOIC of Student Flight, a position he held until retirement.

Throughout his career, Chief Parker was deployed numerous times, including such locations as Cold Lake, Canada; Incirlik Air Base, Turkey; Balad Air Base, Iraq; and Al Udeid Air Base, Qatar.

Chief Parker also received copious awards during his thirty-two years of service including the Meritorious Service Medal, the Air Force Commendation Medal, the Armed Forces Expeditionary Medal, the Global War on Terrorism Service Medal, the Small Arms Marksmanship Ribbon, the Ohio Commendation Medal, and the Ohio Award of Merit.

Chief Master Sergeant David W. Parker's long and distinguished career with the Ohio Air National Guard is a shining example to all who volunteer and serve. I am proud to wish him and his family every success as they move on to a new chapter in their lives.

CURBING CONGRESSIONAL BENEFITS

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing two more pieces of legislation to curb the benefits currently available to Members of Congress.

The first ends the automatic pay increase privilege for Members of Congress. In 1989, Congress established the current formula for automatic annual salary adjustments under the Ethics Reform Act. The formula is based on the Employment Cost Index which tracks changes in private sector wages and salaries. Unless Congress passes a law blocking it, the adjustment goes into effect automatically.

The current system is set up to allow Members of Congress to receive pay raises without having to cast recorded votes for them and that is just wrong. Requiring recorded votes on pay increases will not only make the actions of Congress more transparent but it is another step that will make Congress more accountable to the citizens who elect them.

Another benefit available to Members is lifetime eligibility for service in Congress. A lifetime of service in Congress is, I believe, far too insulating and privileged to assure us that our Representatives are firmly empathetic to and aligned with the needs of the American people. But given the significance of seniority in Congress, States that encourage their members to pledge to limit their terms voluntarily are at a disadvantage with States that

don't. I believe that the solution is to make term limits mandatory by passing a constitutional amendment that would limit the terms of Members of Congress so that everyone will be subject to the same requirement. I am introducing a proposal to do this, and limit House and Senate Member terms to 12 years.

These bills are the latest proposals of my ongoing efforts to reform Congress. In addition to chairing the Congressional Balanced Budget Amendment Caucus, and so working to take away the unlimited ability of Congress to borrow money, I introduced House Resolution 270 in January, which would cut Congressional pay by 10 percent as well as reduce Congressional office budgets. In September, I introduced House Resolution 2913, which would terminate the pension plan available to members of Congress. All of my reforms are about changing the culture of Washington, D.C. to make government work for the American people.

I urge the passage of these bills.

HONORING ERWIN J. KORCZYNSKI

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Captain Erwin J. Korczynski, a talented pilot and patriot from Chicago, Illinois who died on January 5, 2011 of prostate cancer.

From an early age, Captain Korczynski exhibited the success and commitment to public service that would define his life. Born in 1942 to first generation Polish American parents, he achieved the rank of Life Scout for the Boy Scouts of America, lettered 6 times in Track and Field at Lane Technical High School, and was a member of the famous Chicago Cavalier Drum and Bugle Corps. He also attended Northern Illinois University and entered the priesthood at St. Ambrose Seminary in Davenport, Iowa—a calling that he would later selflessly leave to join the Marine Corps.

Even in his early years, Captain Korczynski showed a passion for aviation. From the age of 15, he and his twin brother Edwin took flying lessons and graduated with their flying licenses at the age of 18. He joined the Marine Attack Squadron, VMA 131 in 1963 during the escalation of the Vietnam War. During the course of the war, he rose to the rank of Sergeant and was honorably discharged in 1969.

Following his tenure with the Marines, Captain Korczynski flew commercial planes during the golden age of commercial aviation. Impressively, over 25,000 hours of flight time he maintained a spotless record while at Eastern Airlines and several other airlines around the world.

Using his flying talent to again serve our country, Captain Korczynski volunteered from 1990 to 1991 during the Persian Gulf War. As a pilot in the Civil Reserve Air Fleet (CRAF), he flew civilian aircraft to transport troops and supplies necessary to liberate Kuwait. Captain Korczynski was an honorably discharged Marine and a reservist at the time, but was not activated during the conflict. He volunteered to serve anyway, showing his patriotism and dedication to his country.

In his later years, Captain Korczynski trained and mentored young pilots. Certified as a commercial airline check airman and flight instructor, he instructed young pilots at the Gulfstream Flight Academy for Gulfstream Airlines based in Miami, Florida. He left an everlasting impression on these young pilots who would later recall these stories of his Marine Corps days, commercial airline career, and world travels as ''Erwinisms.''

Our country owes a tremendous debt of gratitude to Captain Korczynski for his tireless defense of our country during two major conflicts. In neither case was he obligated to don a uniform. In voluntarily joining the Marines and airlifting 30 years later, he illustrated his commitment to freedom and democracy around the world. Simply put, the United States is a better country because of him. I extend my heartfelt condolences to Captain Korczynski's twin brother, Edwin, wife Henrietta, daughters Elizabeth and Kiersten, sons Ryan and Christian, and granddaughter Emmalyn. He will always be remembered as a great man and a great American.

TRIBUTE TO FRANK TAYLOR

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. LEVIN. Mr. Speaker, I rise today to recognize a dedicated, compassionate and effective public servant Frank Taylor, who is retiring after serving the people of Macomb County, Michigan for 33 years, the last 10 as Director of the County's Community Services Agency. Mr. Taylor is a leader in the field of Community Action Agencies and a shining example of everything a public servant should aspire to be.

Mr. Taylor graduated from Wayne State University with a Bachelor of Science Degree in Education in 1974. The next year he began teaching and coaching at Harper Woods Public Schools and began earning his Master of Arts Degree in Education from Oakland University which he completed in 1980. In 1979, he began his successful tenure with Macomb County, starting at the Macomb/St. Clair Workforce Development Board as a Youth Programs Supervisor. He rose through the ranks becoming Assistant Director in 1982 and holding that position until 1997 when he was promoted to Director. In 2001 he embraced a new challenge, moved departments and became Director of the Macomb County Community Services Agency.

Under Mr. Taylor's leadership the Community Services Agency established highly effective programs and services that addressed that most pertinent needs of county residents. He worked diligently to leverage funds from the Recovery Act, administering over 14 million dollars for vital programs such as Home Weatherization, Food Assistance and Early Head Start. In fact, through creative thinking, he was able to leverage funds and make the vital Early Head Start program permanent one year after its enactment.

In addition, the Senior Nutrition program vastly increased the number of meals offered to homebound senior citizens and the Food Program increased the amount of emergency food distributed. Mr. Taylor effectively identified grant opportunities to provide emergency services to low income individuals in need.

In 2010 Mr. Taylor led a statewide initiative to purchase a multimillion dollar client database within nine months that substantially increased accessibility and efficiency. The initiative included a plan to deliver training to staff and is now being used by every Community Action Agency in the State.

I have witnessed first-hand Mr. Taylor's passion and dedication through the years. He is an outspoken advocate for low-income home energy assistance, as well as the Community Service Block Grant program, which is so important to the delivery of vital services to those in need. Mr. Taylor has always focused like a laser on ensuring that residents of the county receive the highest quality of services in an efficient and compassionate manner. It has been a true pleasure for my staff and I to work with him, and the citizens of Macomb County are grateful for his dedicated service.

Mr. Speaker, I ask my colleagues to join me in recognizing Frank Taylor, who has worked tirelessly to improve the quality of living for working class people in Macomb County for 33 years. I am confident he will continue to play an important role in the community where he is highly thought of, in addition to enjoying a bit of retirement. Importantly, he and his wife Rosanne, married 34 years, now get to enjoy spending time with their first grandchild, Olivia, just born on December 6th.

LEGISLATION TO ALLOW CONGRESSIONAL NOMINATIONS TO THE U.S. COAST GUARD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud to introduce legislation today with the following Members: Mr. ELIJAH CUMMINGS, Mr. JOHN DUNCAN, and Mr. PEDRO PIERLUISI.

Currently, Members of Congress are allowed to nominate a limited number of candidates to the U.S. Military Academy, the U.S. Naval Academy, the U.S. Air Force Academy, and the U.S. Merchant Marine Academy. However, the smallest of the five federal service academies—the U.S. Coast Guard Academy, USCGA—does not accept congressional nominations.

Instead, the USCGA admits candidates through a process that closely resembles the admissions processes of civilian colleges and universities. Without a congressional nominations process, the applicant pool of candidates to the USCGA is predictably less geographically diverse than at the other military service academies. The inevitable result of a less geographically diverse applicant pool is a less geographically diverse class. The statistics bear this out; in fact, there was not a single appointment from Arkansas, Delaware, Louisiana, Mississippi, Montana, North Dakota, Oregon, South Dakota, Vermont, American Samoa, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands in the USCGA Class of 2015.

Under my legislation, starting in academic year 2013, each Member of Congress would be allowed to nominate up to three qualified candidates to the U.S. Coast Guard Academy. In turn, the Coast Guard would be required to

fill a quarter of slots for the incoming class from the expanded pool of qualified, geographically-diverse applicants received through the congressional nominations process. Then, in each subsequent academic year, half of the slots in each incoming class would have to be filled through the congressional nominations process.

My legislation will not require the Coast Guard to lower its student selection criteria or increase the size of the student population. To the contrary, it anticipates that the Coast Guard will utilize its criteria to select the best candidates from the pool of Member-nominated candidates for half of the slots in the incoming class, just as it will do to fill the slots in the other half of the incoming class. My legislation simply seeks to make Congress a partner in helping to put talented young people—from every corner of the country—on the path to a rewarding career in the U.S. Coast Guard.

I urge support of this commonsense, bipartisan legislation.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, due to unforeseen circumstances, I was unable to vote on the Conference report to H.R. 1540, the National Defense Authorization Act of FY2012 on December 14, 2011. I would like to have it reflected in the CONGRESSIONAL RECORD that if I had the opportunity to vote on H.R. 1540, I would have voted ''aye.''

COPTIC CHRISTIANS UNDER ATTACK

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. POE of Texas. Mr. Speaker, Christians in Egypt are under attack. The revolution may have overthrown a longtime dictator, but it has not freed Christians there from decades of persecution. In fact, it may have made matters worse.

Christians in Egypt are a deeply rooted minority of about 10 million in a largely Muslim society of 81 million. Prior to the revolution, they had a hard time. Discrimination was not an official policy of the Mubarak regime—he didn't want to lose his aid dollars the U.S. was giving him—but he sure made it hard on Christians. When Christians wanted to build a new church or renovate their own, they had to get a permit. That's fine, except for the fact that the Mubarak government intentionally delayed the permitting process. Churches would have to wait years for permits—some churches are still waiting. Mubarak pretended to fix this problem when he handed permitting control over to the 28 regional governors, but wait times for a permit didn't get any better.

They were also discriminated against when it came to appointments to high-level government and military posts. There were only a handful of Christians in the upper ranks of the security services and armed forces. There was one Christian governor out of 28, one elected Member of Parliament out of 454 seats, no known university presidents or deans, and very few legislators or judges. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Koran.

Other discrimination was official for everyone to see. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited from marrying Christian men.

And sometimes discrimination progressed to outright violence against Christians. In September 2010, in the Omraneya district of Cairo, Egyptian authorities reportedly used excessive force and live ammunition on peaceful demonstrators protesting the government's continued refusal to approve a license to build a local church extension. Two people, including a teenager, were killed, and dozens were wounded. No one has been brought to justice.

When the government was using excessive force, it was radical Islamists. On January 1, 2011, a bomb detonated in front of a Coptic church, Al Qiddissin (Two Saints), in Alexandria, where a New Year's prayer service was being held. At least 23 Christians were killed and nearly 100 wounded in the worst sectarian attack on Christians in Egypt in more than a decade. On January 23, then-Interior Minister Habib El-Adly asserted that conclusive evidence pointed to a militant group, Army of Islam, as responsible for the attack.

On January 11, 2011, an off-duty police officer opened fire in a train in Minya province, killing one Christian and injuring five others. The shooter, a Muslim, was charged with murder and will be tried in a state security court. The Ministry of Interior denied the shooting was sectarian.

When the revolution came, thousands of Christians fueled the protests, yearning for a new government that would respect the religious beliefs of its own people. But just a few weeks after the revolution, it became clear that Christians were actually in more danger.

During the revolution, a bunch of bad guys escaped prison. To protect themselves, monks at the Anba Bishoy monastery north of Cairo built a security wall. Well, the Egyptian military didn't like that very much, so in late February they tore down the wall with machine guns and bulldozers. You can see video online of monks running for cover as the military is opening fire with heavy machinery. A monk and six church workers were injured in the process.

In February the governor of el-Minya, demolished 10 Coptic homes because the owners of those homes refused to contribute one-fifth of their property to build a mosque.

In early March in Cairo, 13 people were killed and nearly 150 wounded in clashes that erupted during large-scale demonstrations by Christians protesting the destruction of a church in the provincial town of Sol. The demonstrators called for the rebuilding of the church, punishment of perpetrators, and better treatment by Egyptian authorities. Some of the demonstrations reportedly blocked major highways. According to some accounts, the Egyptian military stood by for as long as four hours without intervening in the clashes.

On March 20, in Qena, Salafists, including an off-duty policeman, accused a Copt named Ayman Mitri of renting an apartment to a prostitute, cut off one of his ears and mutilated his other ear. The attackers then informed the police that they had carried out the punishment required by Islamic law. As was usual under Mubarak, the police refrained from pressing charges and called for a ''reconciliation'' meeting between the religious communities. The Christian man agreed to compensation during the reconciliation session instead of pursuing criminal charges because the extremists allegedly threatened his family.

Also as under Mubarak, the authorities' refusal to punish attacks on Christians has led to more attacks. On March 23, Salafists surrounded St. George's church in Beni Ahmad and successfully demanded that a church expansion approved by the government be stopped. On March 27, they blockaded St. Mary's church in Giza, saying it did not have a permit. After yet another ''reconciliation'' meeting between Copts and Muslims, services at the church were forbidden until it acquired a new permit.

On March 28, Salafists attacked a liquor store in Kasr El-Bassil owned by a Copt, destroyed other stores, and demanded that coffee shops be closed. One villager was killed and eight others injured. On April 5, hundreds occupied St. John the Beloved church in Kamadeer, stopping repairs after heavy rain, and told Copts that they were not allowed to pray there anymore. After yet another ''reconciliation,'' Copts were told to build a church 200 meters away, one without a dome, cross, bell, or any other external feature marking it as a church.

Beginning on April 15, over 10,000 demonstrators, mostly Salafists, protested in the southern province of Qena against the appointment of a new governor, Emad Mikhail, who is a Christian (the previous governor, Magdy Ayoub, was also Christian). Protesters blocked main roads, stopped buses to separate men and women passengers, and disrupted the main rail route in Upper Egypt for eight days. There were threats to bar Mikhail from the province and even to kill him. Tensions ran so high that local Christians stayed inside and couldn't celebrate Palm Sunday. The armed forces refused to intervene, and, although Egypt's cabinet initially rejected calls for the governor's resignation, on April 25, Prime Minister Essam Sheraf surrendered and said he would ''freeze'' the appointment for three months.

On April 28, the U.S. Commission on International Religious Freedom for the first time recommended to Secretary of State Hillary Clinton that Egypt be labeled a ''Country of Particular Concern (CPC).'' This designation refers, as commission chair Leonard Leo noted, to ''the world's worst religious freedom violators and human rights abusers.''

The abuse continues, with the worst violence against Christians in decades.

On October 9 thousands of peaceful demonstrators marched in downtown Cairo to protest the attack of a Coptic Christian church and called for an end to the systematic discrimination against Copts by the Egyptian authorities. At some point in the protest, violent clashes erupted between the protesters and the Egyptian military forces. Video shows Egyptian military tanks speeding through crowds and running over protesters. At one point, the Egyptian State Television aired a message calling on ''honorable citizens'' to

take to the streets to protect the Egyptian army from ''the Coptic protesters.'' The call was answered by Islamists who came in to join the violence against the Christians. In what is now known as the ''Maspero Massacre,'' over 25 people were killed and 300 injured. This marked the first time that the military—not the state police or radical Islamist groups—used violence against Christians.

Since the revolution, 5 churches have been attacked. The most disturbing part of these attacks is that they all happened in broad daylight, with the military standing by and watching. Those perpetrators who are clearly identified by video footage of the attacks have still not been arrested.

Former state security officials who tortured Christians have not been brought to justice either. One woman has burn marks on her arms and on her inner thighs from state security officials that wanted to know who the priest was who baptized her and what church she was baptized in. She wouldn't give his name, so the torture went on for three days. She knows the names of her abusers because they made sure they introduced themselves before they started the torture. But have they been tried? No.

Another man was tortured by state security because he converted from Islam to Christianity. He described how they removed his clothing, tied him down and put a metal chair between his legs and tied wires around his genitals and to his toes and then turned on the electricity. He knows the exact location of where he was tortured and the name of the person who tortured him, but of course he has not been brought to justice.

There is one more disturbing story to tell and that has to do with the kidnapping, rape, and forced marriage of Christian women to Muslim men. In testimony before the Helsinki Commission, it was described like this.

Christian girls are lured to an isolated place, drugged and kidnapped. Often, they are raped. They are then forced to marry their rapist and forbidden from returning to their families. Here is one story from Christian Solidarity International and the Coptic Foundation for Human Rights' report.

R. was abducted October 11, 2005. She had lived in the same neighborhood all of her life and knew all the neighbors. She was especially good friends with the daughter of a neighboring Muslim family, Sarah. They practically grew up together and were like sisters, inseparable. Sarah had an admirer named Wali, a classmate, who called her all the time. Wali began to call for Sarah on R.'s phone. His calls became so frequent that finally R. told Wali to stop calling her. He became very angry. ''You will regret telling me not to call you,'' he said in a threatening voice. She stopped seeing Sara after that. This happened in 2004.

After a year and a half, she received a call from Wali's telephone number. The voice was different and polite. A young man introduced himself as Amir, and said that he was an admirer of hers. He also knew everything about her. He wanted to meet her in a church. When R. said that she did not usually meet people she did not know, he replied that he knew she was on her way to church and that he would wait for her outside. There, he introduced himself and asked R.'s mother for her hand in marriage. The mother replied that it was not so simple. Amir went to their flat the next day to speak to R.'s father. Amir told R.'s father that he wanted nothing from the family except for their daughter's hand in marriage. He had seen her in the street and instantly felt that she would be a perfect wife for him.

R.'s father did not want them to date until he met the boy's parents. Amir kept giving excuses: his mother was sick and his father was out of town. Finally, he told them that his father died. R.'s parents wanted to go as a family to pay respects but Amir said that this would not be necessary since his home was far away.

Later that week, Amir's sister contacted them and came to meet R. R. was engaged and ready to be married. She said she was not deeply in love, but that Amir seemed like a decent person. Amir's sister Christina asked R to go shopping with them. R.'s mother initially opposed the idea but finally relented when the girls told her they would not go far.

Christina offered to find a taxi and returned saying she had found one quickly. In retrospect, R. says that this was odd since they lived in a neighborhood in which it was usually difficult to find taxis.

Christina gave directions to the taxi driver to a close- by shopping area. It was a warm day and Christina offered R. some juice. R. declined but Christina insisted and drank it, remembering that the bottle was already opened. By the time she finished her juice, she felt quite dizzy. The taxi took a detour onto a dirt road and stopped in an isolated area. The driver said that there was something wrong with the car and he needed to check. Christina got out as well.

A van pulled up full of people and some came over to get her. Amir was one of them.

R. could not talk, even though she wanted to ask many questions. They began to beat her and she fainted.

When she woke up, she was in bed surrounded by many different strange men. ''Amir'' told her that he was in reality Wali, whom she had dismissed so abruptly in the past and he reminded her of his threat. He then announced that she was going to be married to a Muslim man.

She wanted to get out of the room but a woman blocked the door. She was locked in the room without her purse or her phone. This was the period of Ramadan, when under Islamic Law it is not possible to marry. Amir insisted on a conversion immediately. She was taken to the religious authorities where five other girls were waiting. All of them were Christians preparing to marry Muslims.

The papers were signed and the conversion was complete. R. was given the Muslim name of Fatimah. She refused to say the proclamation of faith and was beaten.

She was married to another man she had never met, Mahmoud. When she refused to have sex with him, the family held her down while he raped her. She began bleeding profusely.

She stayed with him for 9 months and was beaten every day,The Coptic cross which was tattooed on her wrist was burned off with acid and she still has scars. R. was forced to cover herself completely when she left her home and was called Fatima by the family members. Her veil was black.

R. pretended to observe the Muslim rituals and prayers, but it was just a pretense for her. As a result of the rape and constant beatings, she became physically ill. When her husband went to work, he locked her in the house, alone, without a phone. She was never allowed to leave by herself. On the day of her escape, she told her in-laws that she was going to pray in the mosque but instead she called her mother and said she wanted to come home. She took a taxi to her parents' house. She is unable to have children as a result of the rape.

The practice is horrible and nothing is done about it. One parish father testifies that he has had over 50 cases of forced conversions of Coptic women in one year alone in his congregation. Another bishop says he has 45 women who were abducted and are now living in his safe house.

The Egypiian government has so far failed to protect Coptic Orthodox Christians. All we're talking about here is allowing people to practice what they believe. The government should not be inciting violence against them or running them over with tanks. It should be going after those that burn their places of worship or kidnap, rape, and torture them. Christians need to feel like the government has their back, not that it is out to get them. There cannot be unity and reconciliation until people feel like there is some sort of equality in society. There has to be consequences for persecution. This Administration needs to make the protecting of religious minorities a major point whenever it talks to its counterparts in the Egyptian government. They need to be clear that there will be consequences for them too if nothing changes. Our aid is not endless and it is not free. We should not support tyrants and dictators who oppress their own people. Egypt must uphold fundamental human rights, including protecting Christians.

And that's just the way it is.

RECOGNIZING THE OUTSTANDING PUBLIC SERVICE CONTRIBUTIONS OF CRAIG J. ROLISH AND THOMAS W. HABERKORN

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CRITZ. Mr. Speaker, I rise to recognize two individuals, Craig J. Rolish and Thomas W. Haberkorn, who have devoted themselves to ensuring prosperous futures for the military veterans of southwestern Pennsylvania. Back in 1993, Mr. Rolish and Mr. Haberkorn helped to establish Veterans' Community Initiatives (VCI), an organization dedicated to finding employment for the men and women who have returned home from serving our nation in uniform. Since then, VCI has served nearly 5,500 clients and made approximately 4,000 job placements. The willingness of these men to devote the last 18 years of their lives to serving the needs of veterans is a testament to their appreciation for causes greater than themselves.

Mr. Rolish is currently the Vice President/Treasurer of VCI. Having served in the Air Force in Vietnam, Mr. Rolish was forced to personally confront the challenges a returning soldier must face in trying to reintegrate into society. While he could have easily devoted the years following his service to ensuring his own wellbeing, he instead chose to continue to work to improve the communities of southwestern Pennsylvania. Upon returning to

Johnstown, Mr. Rolish put his financial expertise to good use, collaborating with Fannie Mae to help a number of individuals and small businesses rebuild after the devastating Johnstown flood of 1977. He also served as the CEO of the non-profit NORCAM, helping that organization to become one of the preeminent drivers of economic development in the region.

For Mr. Rolish, public service is a passion He has served on a number of volnnteer boards-and commissions, including the Highland Sewer & Water Authority and the Johnstown Area Regional Industry, and has been an effective fundraiser for causes close to my own heart. He is personally responsible for accumulating over $100,000 for St. Jude's Hospital and over $180,000 in private donations for a memorial statue of my mentor in public service, the late Congressman John P. Murtha. In recognition of his beneficence and selflessness, Mr. Rolish was honored with the Chapel of Four Chaplains Legion of Honor award in 2002. This honor is given by the Four Chaplains Memorial Foundation to outstanding individuals who embody the spirit of giving.

Thomas Haberkorn, VCI's Vice President/Secretary, has also devoted his life to serving the people, businesses and non-profits of southwestern Pennsylvania. Like Mr. Rolish, Mr. Haberkorn served his country in the Air Force in Vietnam and continued to serve the public welfare upon returning home. He has served as an East Hills Kiwanis Board member, as well as a member of Johnstown Professional Networking. He has also been active with a number of charities, including the Special Olympics and the Salvation Army.

Mr. Haberkorn's true legacy is his commitment to veterans. He began providing support to those who have served us in combat long before helping to establish VCI. Mr. Haberkorn has been very active with Vietnam Veterans of America (VVA) for many years. He is the founder and current president of VVA Chapter 364, as well as the District Director of the VVA Pennsylvania State Council. In addition to working with VVA, Mr. Haberkorn has also done a great deal to support the local VFW, American Legion, and Conemaugh Valley Veterans. Like Mr. Rolish, he has been honored with the Chapel of Four Chaplains Legion of Honor award in recognition of his outstanding public service efforts over many years.

Mr. Speaker, in all of the time I have spent engaging with local community leaders, I have rarely, if ever, encountered two men with stronger character than Craig J. Rolish and Thomas W. Haberkorn. Their fortitude and unwavering commitment to public service—and in particular to serving the needs of combat veterans—deserve our gratitude and appreciation. I am proud to represent them in Congress.

CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. HIRONO. Mr Speaker, I voted for the final version of the 2012 National Defense Authorization Act because passage of this bill is important to the servicemen and women of our country and their families. The bill provides an average 1.6 percent pay increase for our troops and ensures that TRICARE premiums for military retirees will not be higher than the rate of increase in the cost-of-living.

In addition, the bill authorizes $225 million in construction projects for Hawaii, including projects in Fort Shafter, Schofield Barracks, Joint Base Pearl Harbor-Hickam, Kaneohe Bay, and Kalaeloa on Oahu and Barking Sands on Kauai. These projects will provide jobs and strengthen the economy.

I do have reservations about the detainee provisions included in the bill. Although the provisions have been modified to provide protections for U.S. citizens, this issue deserves further

The bill does reject the broad House language on the Authorization for Use of Military Force (Section 1034), which many feared could be used by the current or a future president as an unlimited authorization to go to war.

The final bill does not include provisions from the House-passed bill that would have discriminated against gay and lesbian service members. It also provides new protections for victims of sexual assault in the military. These are positive changes that improve the bill.

In addition, the bill reauthorizes for six years the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STIR, programs, which I strongly support. The SBIR program provides grants as a way to increase participation by small companies in federally financed research and development activities. The related STTR program encourages commercial development by small companies of university and federal laboratory research projects.

I introduced bills earlier this year to strengthen these programs by doubling the amounts of the Phase I (initial investigation phase) and Phase II (research and development) grants, which have been static since 1982. Under the reauthorization provided in this bill, the Phase I awards will rise from $100,000 to $150,000 and Phase II grants will increase from $750,000 to $1 million. The SBIR program has been especially important in Hawaii and has helped to nurture the growth of some of our most innovative companies, such as TREX Enterprises, Oceanit, Archionetics, and Cellular Bioenginnering, Inc., to name a few.

EXTEND UNEMPLOYMENT INSURANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. RANGEL. Mr. Speaker, I rise today because people are suffering. Time's running out for America's long-term job hunters. If Congress fails to act by December 31, nearly 2 million will be cut off in January alone. And without action in 2012, that number will rise to at least 6 million.

The Ways & Means Committee has been collecting stories on Facebook of people who have lost their jobs and Mr. LEVIN has been reading them on the floor. Yesterday SEIU launched the ExtendUI tweet-a-thon in hopes to make a powerful case to ExtendUI without cuts or preconditions that hurt the 99 percent. I also collected stories on my Facebook page and via Twitter. Here are some of the stories from my constituents in their own words. Republicans, are you listening? Can't you hear the pain and cries of the American people?

Don Wright: "I need a job for a lot of reasons but the most important one is Dignity. When you don't have a job you feel terrible. It is hard to face other people especially your family. You don't feel like a man anymore. You can't get any respect from your wife and if she leaves you nobody wants to go out with a man without a job. So you are staying single and broke and alone. You get depressed and feel hopeless and you are a good man if you fight against envy—envy of others who have jobs and the things that a job brings. Your family loves you but are at the same time ashamed of you and your kids become worried at being asked what their Daddy does. The list goes on all of it bad. A job any job would be better than no job. Keep the jobless in your mind and hearts."

Paula Christianson: "I lost my job over a year ago due to a accident that left me disabled longer than the Family Medical Leave Act allowed. I had worked there for almost 7 years and was voted employee of the month but none of that mattered when they sent me a termination letter to my home. This has all contributed to my depression issues and Generalized Anxiety disorder. All I do is worry how I am going to survive! It consumes me. Please don't take away this help it is my and many others only hope left! I am not looking for a handout just a helping hand to continue to support my family until I can find employment! Again, please help!"

Patricia Dentley: "I took an early termination package in hopes of continuing working until retirement age, but almost 6 years later, I'm still unemployed, and because of how my package was setup, I couldn't claim unemployment during the initial period after working. I was never in anyone's statistics regarding unemployed, with no benefits other than filing for early retirement or not having that. Most of the jobs with the company I was with is now in other countries with whom the American companies are paying less money, less benefits, and reaping a lot from these countries. I do want the other people in these countries to improve their lives, but we also have to live in ours. I don't know if you remember when our country paid farmers not to farm, now, not only are many people in our country unable to purchase the higher cost foods today, but other countries whom they could have helped are also starving, why, because of greed. I hope this helps not only you Representative RANGEL, but a lot of other people you are fighting for."

Jeanne Alvarado: "I was laid off from my position at Coca Cola Enterprises a year and a half ago. This happened two months before I was to be vested in the company. To say the least, I was devastated and depressed however, I picked myself up and immediately started seeking employment. I have applied to hundreds of positions within the five boroughs which include all the beverage companies, nursing homes etc. I have only had the opportunity to interview for five positions. The painful hard fact Congressman is that companies do not want to hire people of my age group.

There is nothing out there for us at this age. I am 52 years old and I have worked since I am thirteen. Most of my teen and adults years I worked two jobs while raising my children. At this age I should be enjoying life with my family and grandchildren however, I find myself scared, depressed and full of anxiety at the thought of perhaps finding myself homeless. I have only one check left and then I will have no income. My savings is totally gone, as a matter of fact I do not even have a bank account anymore. My credit is destroyed and I am in a serious financial crisis. The little $288 dollars I receive from unemployment helps me keep food on the table and pay the minimum to my bills which are all behind. Thank God my son won a scholarship for college or else he might not have been able to further his education. I have to say I resent the Republicans for assuming that we the unemployed are lazy and do not look for work. Yes this might be the case for some however, there is good and bad in everything in life just as there are good Politicians and bad ones. That does not mean we must form a general opinion based on only a few. I am not a lazy person. As a matter of fact, I am willing to clean toilets if it means keeping a roof over my head and food on my table. Most Republicans are rich and will go home to a happy holiday, for many of us there will be no holiday. I cannot even afford to buy a tree this year. Please let the Republicans in the House know that many people, does not matter Democrat or Republican, are watching and are growing a real distaste for the cruel treatment we are getting. Thank you Congressman for you time.''

STATEMENT REGARDING H.R. 10, REINS ACT, DECEMBER 7, 2011

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. McCOLLUM. Mr. Speaker, I rise to strongly oppose the REINS Act (H.R. 10). This reckless legislation would put American families at risk while doing nothing to create jobs.

If enacted, H.R. 10 would delay and possibly block agency rulemaking in critical areas of public health and safety. This legislation would require that any ''major'' new rule be approved by Congress and the President within 70 legislative days. If Congress fails to act by the deadline, the proposed rule could not be reviewed again until the next Congress. My Republican colleagues do not deny this cumbersome process would prevent many new rules from taking effect. They argue preventing new rules is necessary to stimulate hiring and strengthen the economy.

The House Republican majority has used similar justifications to undermine existing regulations that create a level-playing field for business and protect the health and safety of American families. Earlier this month, Republicans passed the Regulatory Flexibility Improvements Act (H.R. 527) and Regulatory Accountability Act (H.R. 3010). These bills add new layers of bureaucracy intended to hamper enforcement of important environmental, labor, financial and food safety laws.

Evidence does not support Republican claims that federal regulation is to blame for persistently-high unemployment. According to the Bureau of Labor Statistics (BLS), only 0.3 percent of Americans laid off in 2010 lost their jobs due to ''government regulations.'' In 2011, the BLS found even fewer layoffs attributable to regulations—0.18 percent. A McClatchy News survey of small businesses in August 2011 did not identify a single business owner who complained about regulation in their industry. In fact, McClatchy reported that ''most seemed to welcome it and some pointed to the lack of regulation in mortgage lending as a principal cause of the financial crisis that brought about the Great Recession of 2007–9 and its grim aftermath.''

Bruce Bartlett, a former advisor to Republican Presidents Ronald Reagan and George H.W. Bush, said congressional Republicans' anti-regulatory fervor has nothing to do with jobs. Bartlett recently wrote: ''Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.''

Economists from across the political spectrum agree the real impediment to hiring is weak demand in the economy. Increasing demand is the focus of President Obama's proposed American Jobs Act, which independent economists say would create over 1 million jobs. Despite the jobs crisis facing over 14 million Americans, House Republican leaders refuse to bring the American Jobs Act to the floor for a vote.

H.R. 10 and other anti-regulatory bills will not only fail to create jobs, they expose American families and small businesses to new and unnecessary risks. President Obama has threatened to veto the bill, arguing it would ''delay and in many cases thwart'' implementation of important rules and increase unnecessary confusion and uncertainty in the economy. The Coalition for Sensible Safeguards warns that H.R. 10 ''would make it virtually impossible for federal agencies to ensure that American families are protected from tainted food, unsafe drugs, predatory financial schemes, dirty air and water, and dangerous workplaces.''

Abandoning Americans to an unregulated marketplace is not a solution for economic growth—it is a sure threat to public safety. In recent years, many Americans have died as a result of E.coli and salmonella outbreaks in our food supply. A failure to enforce federal workplace safety standards resulted in the tragic deaths of 29 miners in West Virginia. Under-regulation allowed irresponsible bankers and mortgage lenders to destroy the education and retirement savings of millions of Americans. America is, in fact, facing a regulatory crisis. Not the crisis of ''over-regulation'' my Republican colleagues claim, but a series of crises resulting from a failure to enforce and enact common-sense rules.

Sensible regulation is necessary for an efficient, fair and innovative private market. But we should not be surprised that industry will not always support—and rarely ask—to be regulated. History shows that industry groups initially opposed new requirements for seat belts and air bags, limitations on mercury pollution and even restrictions against child labor. In the short-term, narrow private interests often conflict with the broader public interest. Over time, well-designed and consistently-enforced rules often prove to be less costly and more beneficial than originally expected.

Democrats and Republicans should be working together to improve the federal regulatory structure. Our shared focus in Congress should be on reforming regulations to increase results and reduce costs. Partisan attempts to weaken common sense rules and protections will not make our economy—or our country—stronger.

I urge my colleagues to reject H.R. 10 because it undermines public safety and distracts Congress from the urgent task of creating jobs.

HONORING VICTOR GRIFOLS ROURA—SPAIN-U.S. CHAMBER OF COMMERCE 2011 BUSINESS LEADER OF THE YEAR

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. CHU. Mr. Speaker, I rise today to congratulate Mr. Victor Grifols Roura on being honored as the 2011 Business Leader of the Year by the Spain-U.S. Chamber of Commerce. Mr. Grifols Roura is President and CEO of Grifols, a global healthcare company with U.S. headquarters in my congressional district in Los Angeles.

Founded in Barcelona, Spain in 1940, Grifols is a leading producer of plasma protein therapies essential for the treatment of a variety of rare, chronic and often life-threatening diseases including: hemophilia, von-Willibrand disease, primary immune deficiencies, and alpha-1 antitrypsin deficiency. All of Grifols medicines are derived from human plasma collected at one of the company's 147 plasma donation centers across the country.

For three generations, the Grifols family has been dedicated to improving the lives of patients around the world. One of the company's founders, Dr. Jose Antonio Grifols Roig, developed the plasma donation technique known as plasmapheresis with Dr. Edward Cohn in 1950. Still the method of choice today, plasmapheresis is an automated process that enables individuals to donate plasma while retaining their red blood cells, white blood cells and platelets. This groundbreaking invention gave rise to the modern plasma therapeutics industry.

Mr. Speaker, Grifols employs 700 people in its corporate, manufacturing, warehousing, and testing facilities in California's 32nd District. The company has invested $135 million in these facilities since 2003 and is moving forward with plans to add 70 new manufacturing jobs.

As part of its commitment to Los Angeles, Grifols supports local organizations that promote education, job training and skills development for area residents. Through an industry partnership with Los Angeles Trade Technical College, Grifols devises curricula and hosts seminars in microbiology, manufacturing, interviewing techniques and resume preparation. Graduating students are given the opportunity to tour the Grifols manufacturing facility and learn about the production of plasma therapies.

Grifols also partners with the Wilshire-Metro WorkSource Center, which provides workforce

development resources to job seekers and local businesses. Grifols hires interns from the Center who have completed their certificate program in technology. In addition, the company interviews all graduates of the program to provide them with valuable, real-world experience.

Grifols presence in the U.S. was greatly enhanced this year by the acquisition of Talecris Biotherapeutics. This transaction, valued at almost $5 billion, is the largest acquisition ever completed by a Spanish company in the U.S. Grifols is now the world's largest collector of human plasma, the third largest manufacturer of plasma protein therapies globally, and the leading plasma manufacturer in Europe.

Mr. Speaker, the Spain-U.S. Chamber of Commerce is the leading forum for the promotion of commercial, economic and industrial relations between Spain and the United States. Founded in 1959 and based in New York City, the Chamber is a non-profit organization dedicated to fostering economic outreach between the two countries.

The Chamber honored Mr. Grifols at its annual gala dinner in Manhattan on December 6th. The U.S Ambassador to Spain, the Spanish Ambassador to the U.S., and the Spanish Minister of Culture joined over 250 guests in recognizing Mr. Grifols Roura's commitment to fostering expanded economic and social ties between the U.S. and Spain.

Mr. Speaker, I ask my colleagues to join me in congratulating Victor Grifols Roura for his outstanding leadership of Grifols and for his well deserved honor as 2011 Business Leader of the Year by the Spain-U.S. Chamber of Commerce.

TRIBUTE TO COACH ANDREW TRENKLE AND THE MAINE SOUTH HIGH SCHOOL CONSTITUTION TEAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Coach Andrew Trenkle and the Maine South High School Constitution Team for their achievement in winning the Illinois State Title of the "We the People: the Citizen and the Constitution" competition. This extraordinary accomplishment marks the twentieth time in twenty one years that Maine South's team has won this title.

"We the People: the Citizen and the Constitution," a program sponsored by the Center for Civic Education, educates students on important issues including the purpose of government, the function of the Constitution, and the importance of citizen participation. Participants are encouraged to identify and communicate their own opinions, thereby developing strong skills in discussion, debate, and compromise. In the "We the People" competition. teams of students participate in simulated Congressional hearings, presenting statements and answering challenging questions about the United States Constitution. This year's victory of the 2011–2012 Maine South Constitution Team demonstrates their deep understanding of Constitutional principles as well as their aptitude for critical thinking and teamwork.

Congratulations to all the members of the 2011–12 team: Coach Andrew Trenkle, Paul Ansani, Jeremy Apolinski, Austin Bryniarski, Ethan Campbell, Colton Cannon, Claire Floriano, Merrill Hester, Luke Kapolnek, Lauren Krone, Renee Kumon, Jimmy Loomos, Thomas Lis, Meredith Machon, Caroline Murphy, Kyle Richardson, Michelle Roberts, Allie Sakowicz, Daniel San Gabino, Matt Sherbahn, Katie Solberg, Sarah Tarabey, Caroline Unger, Maddy Vogg, Patrick Wohl, Alex Zaug and Lindsey Zawila.

The United States of America was founded on the principles of civic involvement and responsibility. The students of Maine South High School have proven that they embody those principles and that they will grow to be passionate and capable future leaders. On behalf of the 9th Congressional District, I congratulate you on this outstanding achievement and wish you the best of luck at the National Competition in April 2012.

HONORING CHICAGO POLICE OFFICER NIAL FUNCHION

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Officer Nial Funchion of the Chicago Police Department for his swim across the Strait of Gibraltar on October 6, 2011, and for his support of the Brotherhood for the Fallen, a not-for-profit organization dedicated to supporting the families of fallen police officers.

Officer Nial Funchion is an 18-year veteran of the Chicago police force and a trusted public servant. He first became involved in the Brotherhood of the Fallen following a funeral for a colleague killed in the line of duty. At that funeral, he noticed a group of uniformed police officers offering condolences to the family of the slain police officer. He was deeply moved by this kind gesture and contacted the Brotherhood for the Fallen to see how he could help.

Already a tremendous swimmer, Officer Funchion has since dedicated his swimming endeavors to the Brotherhood for the Fallen to raise public awareness for the organization. His most recent swim dedicated to the Brotherhood was perhaps his most impressive. He crossed the 12 miles separating Spain and Morocco, known as the Strait of Gibraltar, in three hours and fifty minutes. Not only did Officer Funchion brave rough waters to complete his swim, but he did so while being followed by a family of orca whales.

Officer Funchion plans to add to his swimming accomplishments by completing endurance swimming's Triple Crown. Over the next two years he intends to complete the 28.5 mile loop around Manhattan Island and the 21 mile swim across the Catalina Channel in southern California. He previously crossed the English Channel in 1992 with the fastest time by an American that year. I applaud Officer Funchion for protecting our community, performing amazing feats to help others, and supporting the Brotherhood for the Fallen, and I wish him safety and calm waters in his coming endeavors.

TRIBUTE ON THE PASSING OF OFIELD DUKES

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CLARKE. Mr. Speaker, I honor the life and legacy of Ofield Dukes, a public relations pioneer, long-time friend of the Congressional Black Caucus (CBC), and fellow Detroiter. Mr. Dukes was firmly committed to fighting for justice and equality for all people.

Mr. Dukes, an Army veteran, graduated from Detroit's Wayne State University with a degree in journalism. After graduation, he worked at The Michigan Chronicle, a weekly African American-run newspaper based in Detroit, until he moved to Washington D.C. in 1964 to work for the federal government.

Mr. Dukes served as the deputy director of public affairs at Lyndon B. Johnson's Office of Equal Employment Opportunity. From 1966 to 1968, Mr. Dukes was a communications advisor to Vice President Hubert H. Humphrey.

Mr. Dukes founded his public relations firm, Ofield Dukes & Associates, in 1969. The firm focuses on political and minority affairs with a focus on African-American and African issues. Mr. Dukes' first client was Detroit's Motown Records. Today, Ofield Dukes & Associates represents the Democratic National Committee, Howard University, The Martin Luther King, Jr. Center for Nonviolent Social Change, and the Congressional Black Caucus, among other notable clients.

Mr. Dukes' relationship with the Congressional Black Caucus dates back to its founding in 1971 when he helped organize the first Congressional Black Caucus dinner. Mr. Dukes also served as an advisor to several CBC chairpersons. He was a founding member of the CBC Foundation, served on the Foundation Board for 14 years, and worked to improve the socioeconomic circumstance of African-Americans around the nation.

Mr. Dukes also spent his time reaching out to younger generations. He taught at the Howard University John H. Johnson School of Communications for 25 years and American University's School of Communications for 8 years, inspiring hundreds of African-American students to pursue careers in public relations and politics.

Mr. Dukes' work ethic, dedication, and resilience embody the spirit of Detroit. In October 2011, Mr. Dukes returned to his hometown of Detroit, Michigan because of his love for the city, family, and friends. After a struggle with bone cancer, Mr. Dukes passed away on December 7, 2011. I am honored to call Mr. Dukes a friend and colleague. He will be greatly missed.

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

SPEECH OF

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CARNAHAN. Mr. Speaker, I rise to speak on H. Res. 306, regarding religious

freedom in Turkey, a longtime friend and ally of the United States.

The value we in America place on freedom of religion goes to the very heart of American democracy, and we have a strong interest in promoting religious freedom globally. As with other indicators of democracy and human rights, nations that respect religious tolerance generally enjoy greater economic prosperity and social stability. While I support this resolution and encourage further progress on religious freedom in Turkey, I also believe we must seek to support these standards in an even-handed manner.

I would like to emphasize the importance of U.S.-Turkish relations. From Turkey's critical support in Afghanistan and elsewhere, as a uniquely positioned NATO ally and their substantial humanitarian contributions in response to famine in the Horn of Africa to Turkey's efforts in support of the Syrian people as the Assad regime's brutality intensifies, Turkey continues to be a strong partner in addressing some of the world's most vexing problems. As revolutionary calls for democratic governance sound throughout the Middle East and North Africa, we must continue to work closely with Turkey, whose position as a democratic, majority Muslim country can play a positive role in transitions in the region.

Moreover, I would like to acknowledge the positive steps that the Turkish government has taken to address issues of religious freedom and tolerance. This August, the Turkish government issued a decree inviting non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago and has eased some citizenship requirements on Orthodox clergy. Unfortunately, H. Res. 306 omits recognition of these important commitments. While issues remain, particularly with regard to the Ecumenical Patriarch, I am encouraged by the efforts that have been made and hope for further progress.

As a member of the Congressional Caucus on Turkey and Turkish Americans, I look forward to the ongoing alliance between our countries.

IN RECOGNITION OF FRISCO FIRE CHIEF MACK BORCHARDT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. BURGESS. Mr. Speaker, today I rise to recognize Fire Chief Mack Borchardt for his dedicated service to the Frisco Fire Department and to the people of the 26th Congressional District of Texas.

Chief Borchardt first became a volunteer Frisco firefighter in 1973; at that time, Frisco had an all-volunteer fire department. In November 1987, Chief Borchardt became Frisco's first fulltime fire chief. Through his leadership, diligence, and organization, the Frisco Fire Department now has more than 140 fulltime department members.

Under Chief Borchardt's leadership, the Frisco Fire Department has expanded to become an outstanding example to departments nationwide. They are one of the select few departments in the country that have an ISO 1 rating, which is a testament to their superior standards and procedures. The Frisco Town Council recognized Chief Borchardt with a resolution proclaiming December 2011 as Aubrey "Mack" Borchardt Month in Frisco. His service to his community, society, and peers throughout the past 30 years is indeed an inspiration.

I am honored to represent the city of Frisco and many of its residents in the United States Congress. I, along with his family, friends, and the citizens of the 26th District celebrate his tireless commitment to his community. Please join me in recognizing and thanking this exceptional community leader for his selfless commitment to our society.

CONGRATULATING VALENCIA COMMUNITY COLLEGE, RECIPIENT OF THE 2011 ASPEN PRIZE FOR COMMUNITY COLLEGE EXCELLENCE

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Valencia Community College on earning the inaugural Aspen Prize for Community College Excellence. The Aspen Prize for Community College Excellence recognizes extraordinary accomplishments in community colleges, applauding those that serve as models for elevating community college education.

Valencia Community College was selected by the Aspen Institute after a competitive, year-long process during which 120 of the nation's top community colleges were judged based on student performance and graduation rates. Of Valencia Community College's full time students, more than half graduate or transfer within three years. This is well above the national average of 40%.

Founded in 1967 as Valencia Junior College, Valencia Community College's goal was to make its students successful, both in the classroom and in their personal and professional lives. Today, Valencia Community College is the third largest community college in Florida, educating more than 50,000 students each year.

This is not the first time Valencia has been recognized for excellence in education. Indeed, Valencia has a long history of national distinction. Valencia was recognized in 2009, with the inaugural Leah Meyer Austin Institutional Student Success Leadership Award; in 2007, by the New York Times as a leading community college; in 2001, by TIME Magazine as one of the nation's best schools at helping first-year students to excel; and in 1998, the National Alliance of Business named Valencia the Community College of the Year.

On behalf of the citizens of the State of Florida, I am pleased to congratulate Valencia Community College's President, Dr. Sanford Shugart, and Valencia Community College's Administration, Board of Trustees, and faculty for pursuing excellence in community college education, both nationally and as a critical part of Florida's education system. May their hard work and dedication inspire others to follow in their footsteps.

TO HONOR PFC BRENDAN MARROCCO, UNITED STATES ARMY, WITH A POEM: "STATEN ISLAND STEEL"

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. GRIMM.

STATEN ISLAND STEEL

All in the shadow of liberty . . .
All in this most Gotham of all cities . . .
There grew up to be, one of our nation's finest sons so indeed . . .
As strong, as strong . . . as strong as can be!
Army Strong that's who he!
Whose heart and soul, makes our Lord so complete . . .
Whose courage so makes even the Angels up on high so weep!
Because . . .
Some Steel,
cannot so be crushed!
Some Steel,
will not so rust!
Some Steel,
cannot so be bent!
Some Steel . . .
cannot so be broken!
As if this Steel was Heaven sent!
All in how,
his heart of Steel has so spoken . . .
So very deep down inside,
all in what Rocco is invoking . . .
That which so brings such tears to eyes . . .
Which against all odds somehow kept hope alive!
To So Teach Us . . . To So Reach Us . . . To So Beseech Us!
Because, The Greatest Steel In This World . . .
Comes from Staten Island, my little boys and girls . . .
Yea, The Stronger than anything known to man!
Staten Island Steel . . .
Move over Superman, you're just a comic book . . . Rocco is real!
And Batman this is not your city anymore!
Brendan Marrocco, "Rocco" . . . Aka . . . Staten Island Steel!
Because, Rocco you have the word hero stamped all across your chest!
As you Rocco put the B . . . In Be The Best!
All found in your heart of gold, and your life's quest . . .
For Army Strong is your life's song!
Brendan, You Rock . . . all night long . . .
And when we gaze upon his heart, we feel the burn!
And now more Steel has so been forged!
The Bear! PFC Bryan Dilberian a 10th Mountain Man . . .
A Brooklyn Man, a Real Beastie Boy who stands!
A question asked, "in New York, what are you putting in that water man"?
This Christmas and Hanukkah, remember all of those men and women . . .
Who upon them this our Nation do so depend . . .
Who with hearts of Steel, all for us so live and die . . .
As across this nation families cry . . .
Separated by death and distance, who this holiday season so miss this . . .
And men like Rocco, who with hearts of Steel . . .
Who to all of us so reveal!
That word Hero, Brendan Marrocco . . . Staten Island Steel!

REMEMBERING REVEREND WILLIAM KELLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. PENCE. Mr. Speaker, I rise to remember the life and ministry of Reverend William Keller.

Reverend Keller faithfully served as a pastor for nearly 70 years in both Illinois and my home state of Indiana. While attending Olivet Nazarene College in 1943, he founded the East Side Church of the Nazarene in Kankakee, Illinois. He later continued his education at both Ball State University and Liberty University.

Reverend Keller was a dear friend of mine, and I mourn the loss of this great public servant. His record of achievement in his community and around the country is extensive and includes serving as Executive Chairman for World Wide Pictures, attending Billy Graham's School of Evangelism, and participating in the Conference on Evangelism in Amsterdam among others. Reverend Keller was also a member of the planning committee for the Leighton Ford and the Lowell Lundstrom Crusades in Muncie, and he organized several open air festivals.

In 1953 he founded the William C. Keller Construction Co. that built churches, office buildings, service stations and residential housing, and Reverend Keller also developed the Keller West Addition in Muncie.

Beginning in 1969, Reverend Keller served as President of the Delaware County Evangelistic Association. Among his many involvements, he was also a member of the Board of Social Concern for the National Association of Evangelicals; past Governor and Lt. Governor of Division H, District 11 of Toastmasters International; past chairman of the steering committee of National Issues Forum; and he served several years as a volunteer Probation Officer and court appointed Special Advocate for children.

I offer my most sincere condolences to his bride of 73 years, Irene; their six children: Martha Lovern, Harold Keller, Dave Keller, Paul Keller, Don Keller, and Bill Keller, Jr.; fifteen grandchildren; twenty-two great grandchildren; two great-great grandchildren; and his siblings Charles, James, and Reba. While the loss of Reverend Keller's selfless work in the community will be deeply felt, heaven is richer with his passing.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to H.R. 3630, the GOP Tax Extenders Package. This bill does nothing to create jobs, support the middle class or stimulate our economy. Instead, the Republicans have decided to play politics at the expense of ninety-nine percent of American families.

As we wrap up this year's legislative business, individuals receiving unemployment insurance benefits, physicians anxiously awaiting certainty that they will be adequately reimbursed for treatment they deliver to Medicare patients and millions of middle class families facing a tax increase are depending on us to put politics aside and act responsibly. Unfortunately, the GOP Tax Extenders Package is mere political theater that takes an irresponsible approach to solving these issues.

Mr. Speaker, President Obama called on Congress to extend the payroll tax deduction in order to save working Americans an average of $1,500 over the next year. If Congress does not act by the end of the year, American families making an average of $50,000 per year will see their taxes raised $1,000. At a time when the average American is struggling to make ends meet, it is essential that we extend the payroll tax cut to ensure that middle class American families can spend the money they've earned. Lowering the rate Americans contribute to Social Security out of their paychecks will help stimulate consumer spending, create jobs and revive our economy.

While the Republican bill we are considering today extends the current payroll tax cut by two percent and addresses the SGR "doc fix" for two years, there are a number of ideological poison pills attached to this bill that simply make this measure unacceptable. First, the bill cuts Medicare provider rates by over $21 billion and significantly increases the number of Medicare beneficiaries required to pay higher premiums for services they need.

Second, the bill would cut over $21 billion from Affordable Care Act programs, which will increase the ranks of the uninsured by 170,000 Americans. Although we are making progress in ensuring that more Americans have access to quality and affordable health insurance plans, the Republicans are recklessly attempting to roll back provisions of the Affordable Care Act that have proven successful at increasing access to healthcare. The Prevention and Public Health Trust Fund, an essential piece of the Affordable Care Act tasked with promoting healthy lifestyles and prevention treatment to keep Americans healthy, would suffer a deleterious $8 billion cut.

Further, this bill would roll back the amount of time benefits are provided to recipients of emergency unemployment compensation. The current program allows beneficiaries to receive unemployment compensation for up to 99 weeks; however, the Republican Tax Extenders Package would lower that amount of time to 59 weeks. As we are all aware, the current job market is extraordinarily bleak. With the unemployment level in my district hovering around twenty percent, shortening the length of time benefits are provided would have a devastating impact on those who rely on unemployment compensation as their main source of income.

Mr. Speaker, cutting back emergency unemployment compensation from 99 to 59 weeks hurts the most vulnerable members of our society. That is why I submitted an amendment to this legislation that would extend current unemployment benefits for 2012, if the implementation of subtitle B of title II is found to have a disproportionately adverse effect on workers aged 55 and older by the Secretary of Labor. Had my amendment been made in order and adopted, it would have provided much needed relief to job-seeking seniors in this tough economic environment.

Time is running out. Republican brinksmanship on must-pass legislation continues to damage job creation and create uncertainty for businesses and the markets. In their Pledge to America, House Republicans promised to focus on jobs and keep extraneous and controversial provisions out of must-pass legislation. This bill is yet another example of their broken promises to the American people.

For all these reasons I cannot support H.R. 3630, and I urge my colleagues to join me in voting against this bill.

RECOGNIZING THE ADKINS BROTHERS FOR ONE HUNDRED FOUR YEARS OF MILITARY SERVICE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. RAHALL. Mr. Speaker, in southern West Virginia, "family" has a very special and sacred meaning. Its definition goes far beyond the traditional; more than a group of individuals related by blood or marriage. It is an ideal that transcends all West Virginians; an institution protected, trusted and revered by all. It is the core thread woven into and throughout the fabric of the values we treasure most.

Today, I rise to honor a family of West Virginians from the Logan County community of Pine Creek, in the coalfields of southern West Virginia. They are nine brothers, nine of the eleven sons of the late Olive and Oscar Adkins, who collectively served in our Nation's military for more than 100 years. This is truly a "band of brothers" for which our Nation owes a debt of gratitude.

Shakespeare outlined the honor and drew distinction for the Band of Brothers in the famous St. Crispin's Day speech, a motivational speech delivered to troops about to enter battle in Act IV of the play, Henry V:

> Old men forget; yet all shall be forgot, but he'll remember with advantages what feats he did that day. Then shall our names, familiar . . . as household words . . . be in their flowing cups freshly rememb'red.
>
> This story shall the good man teach his son . . . from this day to the ending of the world, But we in it shall be remembered—we few, we happy few, we band of brothers; For he today that sheds his blood with me; shall be my brother . . .

Fate was kind to the nine Adkins brothers. None were seriously injured, and all returned home safely, although many who served with them were not so lucky. All the Adkins brothers were honorably discharged, and all were proud to serve their country. The pride in this remarkable record of military service is shared by their parents, two other brothers, Hobart and Robert, and four sisters, Madeline, Ruth, Lyndell, and Iris.

The nine who served include Harvey, who was in the U.S. Army during World War II from 1943 to 1946; Jason, who was in the U.S. Army at the end of World War II in 1945 and 1946, then again from 1952 to 1955 during the Korean Conflict; Leon, who served in the Air Force from 1948 to 1952 in the Korean Conflict; Billy, who served in both the Army and Air Force from 1948 to 1954; Lowell, who

served in the U.S. Air Force from 1954 to 1974 in both Thailand and Vietnam; Franklin, who served in both U.S. Air Force and Army from 1956 to 1976; Vernon, who joined the Army and served from 1958 to 1979; Linden, who served in the Army from 1965 to 1967; and Clifton, who served in the Army from 1959 to 1981.

Selfless service and sacrifice are the twin pillars supporting our Republic. Surely, these values, so important to the future vigor of our democratic principles, were instilled in the Adkins Brothers by devoted and dedicated parents. Such a record of service is not happenstance or coincidence; rather, it is a record built with an abiding faith in the Almighty's continued blessings on this land of liberty.

Mr. Speaker, in sum, the Adkins brothers share 104 years of U.S. military service, a milestone record of service, that I hope the U.S. Department of Defense will soon formally recognize. I ask my colleagues to join me in acknowledging my fellow West Virginians as true American patriots and to thank them for their distinguished service to our great Nation.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. FILNER. Mr. Speaker, on rollcall 932, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

CELEBRATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. HONDA. Mr. Speaker, December 5 marked the 84th birthday of His Majesty King Bhumibol Adulyadej of Thailand. I would like to take this opportunity to send warm wishes to him and to the people of Thailand as they commemorate his 65-year reign as King of Thailand.

The world's longest-serving monarch, His Majesty King Bhumibol ascended to the throne on June 9, 1946. Throughout his reign, King Bhumibol has both witnessed and been instrumental in the transformation of Thailand into a prosperous, modern state, with a strong agricultural sector and modernized manufacturing and services industries. His contribution to such progress and the devotion and compassion he has for the Thai people has earned King Bhumibol the love and respect of his people as well as worldwide recognition for his leadership.

As a leading advocate for sustainable, human-centered development, King Bhumibol has worked hard to address the critical development issues facing his country and his people, applying scientific knowledge and initiating development projects that take into account the topography, traditions and culture of a region. Focusing on agricultural development, King Bhumibol has overseen thousands of development projects undertaken to improve the food security and welfare of the Thai people. His concern about the sustainability of Thailand's natural resources has spurred several water resource and reforestation projects throughout the country.

I would also like to celebrate the 178-year diplomatic alliance and friendship between Thailand and the United States—one that reflects both common interests and shared values, namely: democracy, good governance, and the rule of law. Indeed, on March 20, 1833, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region. His Majesty King Bhumibol's state visit to the United States in 1960 further cemented the excellent relations between our two nations.

Lastly, I would like to express my deepest sympathies to the people of Thailand for the recent historic floods in Thailand, and reiterate my support for both ongoing and additional humanitarian efforts aimed at providing civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery. The United States remains committed to supporting Thailand's long-term recovery. The United States government has contributed significant humanitarian assistance, United States citizens and private sector have donated to reconstruction efforts, and the United States will continue working to help improve Thailand's capacity to prepare and respond to such disasters in the future.

Mr. Speaker, I am pleased to join our longstanding friends, the people of Thailand, as they celebrate the 84th birthday anniversary of His Majesty King Bhumibol Adulyadej and his esteemed 65-year reign of and dedication to Thailand.

TRIBUTE TO JOHN FRANKLIN THAMES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CLYBURN. Mr. Speaker, I stand today to pay tribute to a constituent who has dedicated his professional career to coaching high school basketball and—over the past half century—has developed generations of successful young women while breaking and setting winning records for women's basketball in South Carolina. I commend Coach John Franklin Thames for his 50 years of coaching women's basketball in the Palmetto State. It is very fitting that a scholarship for gifted athletes will be established in his honor at his alma mater, Manning High School.

John Thames grew up in Alcolu, SC and graduated from Manning High School in 1953. At that time, America was at war with Korea. He spent six months as Executive Officer of Training Company at Fort Jackson, and served 13 months in Korea as an Army Tank Platoon Commander. Following his military service, he matriculated at Presbyterian College in Clinton, South Carolina, graduated in 1958, and returned home to serve his alma mater for the next half century.

Over his 44-year career as the Lady Monarchs head coach, Coach Thames' teams amassed two State Championships, three State runner-ups, 15 Regional Championships, and seven Regional Tournament Championships. He was named Region Coach of the Year 14 times and the Sumter Item Area Coach of the year three times. In 1969, he was selected as the Pee Dee North-South All-Star South head coach. He served as head coach in the South Carolina Athletic Coaches Association North-South Girls All-Star Game in 1984 and 2000. He was also one of two South Carolina coaches chosen to coach the South Carolina All-Star Girls against the North Carolina All-Star Girls at Winthrop University.

Coach Thames was nominated in 1991–92 as the Converse High School Coach of the Year and the National High School Athletic Coaches Association Coach of the Year in women's basketball. That same year, he was named Florence Morning News Class AAA Girls Coach of the Year. He has been a South Carolina Coaches Association of Women Sports MVP Honoree, and a 2000 High School Sports Report State Coach of the Year in AAA Girls Basketball. He was a 2009 Inaugural Inductee into the South Carolina Basketball Coaches Hall of Fame, and a 2011 Inaugural Inductee into the Clarendon County Athletic Hall of Fame.

Coach Thames has also had great success in other sports. He served as the Manning High School baseball coach for 14 years and as an assistant football coach for 36 years.

In 1993, his high school alma mater—and 50-year employer—named its gymnasium in his honor for ''his lifetime of contributions to Manning High School.'' Presbyterian College also honored their esteemed graduate by recognizing Coach Thames as the 2011 recipient of the Bob Waters Award. This honor was given for his outstanding leadership and service to society and the profession of athletic coaching and for personifying those values and qualities of excellence and integrity held dear by his college alma mater.

Despite all the accolades he has accrued over his career, Coach Thames will be remembered most for his generosity and love of his players and all students. Since 2004, Coach Thames has conducted a free one-week basketball camp for girls. He is committed to ensuring that the inability to pay is not an obstacle for any girl to participate in the sport. For years, Coach Thames has used his personal funds to buy shoes for all of his players. He has done so because he doesn't want to single out the ones who cannot afford new shoes. He provides transportation and other clothing for many of his students who have limited resources. Coach Thames is also dedicated to helping students get into higher education institutions so they can pursue their dreams. ''Coach,'' as he's lovingly known to everyone including non-athletes, is a mentor and father figure.

In addition to his coaching accolades, Coach Thames has twice been named the Manning High School Teacher of the Year. He received the 2008 Outstanding South Carolina Teacher of U.S. History by the Daughters of the American Revolution. He was inducted into the Kappa Alpha Order Court of Honor in 2009. Coach Thames is a recipient of the Silver Crescent, the highest civilian recognition awarded by the State of South Carolina for outstanding dedication to a local community, and has been inducted into the Clarendon County Education Hall of Fame. Coach

Thames is currently a member of the South Carolina Athletic Coaches Association, the South Carolina Women's Basketball Coaches Association, the Coaches of Women's Sports and the National Basketball Coaches Association.

He is a longtime member of First Baptist Church in Manning, where he serves as a Junior Department Sunday School Teacher.

Mr. Speaker, I ask you to join me in congratulating Coach John Franklin Thames for his remarkable career at Manning High School. He has set a tremendous example both on and off the court. It is my honor to pay tribute to such a distinguished Southern gentleman who, I believe, has earned the gratitude of his community, his state and his nation.

RECOGNIZING THE 50TH ANNIVERSARY OF DUNEDIN HIGH SCHOOL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor the 50th anniversary of Dunedin High School, which first opened its doors in 1961. That year, 767 students and 44 teachers walked the halls for the first time. Half a century later the school serves more than twice that number of students, working to prepare them for their future while creating an environment that encourages students to explore their potential.

From the beginning, the school embraced the rich Scottish traditions that have characterized the city of Dunedin since its founding in 1870. The school selected a Falcon as the mascot, harkening back to the sport of falconry, a favorite Scottish pastime consisting of training and hunting with falcons. However, the Dunedin Highlander Marching Band is perhaps the most unique aspect of the school. This band not only wears the Dress Stewart Tartan plaid as their uniform, they are one of the few high school bands in the country that features bagpipes.

Since its establishment, Dunedin High School has sought to foster academic achievement, community pride and school spirit. Over the years, the students at the school have won numerous awards and state championships for academic, athletic and extracurricular activities. The students are not the school's only source of pride, as the dedicated teachers and administrative staff also have an award winning tradition, receiving many state and national awards for the high-quality education they provide.

Students who have graduated from Dunedin have gone on to achieve great success, with many staying in the area to raise their children and enrich the local community. This community support extends to the high school, with volunteers putting in over 28,000 hours at Dunedin High School last year alone. Notable alumni include local politicians, famous musicians, professional athletes, and Hollywood actors and directors.

I am honored to represent the students, teachers, and faculty who currently attend Dunedin High School as well as many of those that have enriched this public school for the last 50 years. I ask my colleagues to join with me today in recognizing this important milestone and to wish the school continued success in the future.

REMEMBERING BROOKE TUTTLE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to remember the exceptional legacy of service of Brooke Tuttle from my hometown of Columbus, Indiana.

Mr. Tuttle was born in Hicksville, Ohio, and received a Bachelor of Science in Industrial Management from Ohio State University in 1957. The next year he married his wife Barbara, who would become his bride of 52 years. After serving as a Captain in the U.S. Army from 1957–1959, Brooke Tuttle joined Cummins, Inc., headquartered in Columbus, Indiana, and he later earned a Masters in Business Administration from Indiana University in 1964.

During his 29-year career with Cummins, Mr. Tuttle had various responsibilities including: General Manager of the Fleetguard filtration business; leading the $700 million worldwide parts and services distribution business; opening distribution centers in Asia, Europe, and Central and South America; and serving as Executive Director of Public Policy.

Brooke Tuttle was deeply invested in his local community and was responsible for outstanding growth and prosperity. He served as President of the Columbus Economic Development Board in 1985, and after he retired from Cummins three years later, Mr. Tuttle continued as President of Economic Development. During his 22 years as president, he spearheaded the expansion of 260 existing companies and helped attract 52 new manufacturing and technology companies. As a result of his hard work and dedication to the Columbus community, Columbus gained 10,000 new manufacturing jobs and $2.2 billion of new investment. Mr. Tuttle retired from the Columbus Economic Development Board in 2007.

After his retirement, Brooke Tuttle served as President of LHP Technologies and continued teaching Economics at Ivy Tech and Indiana University/Purdue University Columbus (IUPUC) as an adjunct professor for twenty years. IUPUC awarded him the "Excellence in Teaching" award in both 1990 and 2010. His accolades also included the Columbus Chamber of Commerce Community Service Award and the distinguished Sagamore of the Wabash Award.

Despite his demanding and successful career, Brooke Tuttle never forgot to give back. He served as president of Rotary Club International, the Columbus Foundation for Youth, and the Columbus Girls Club. He also served as a Moderator for Leadership Bartholomew County, a Big Brother, and as a basketball coach for the Boy's Club. He was also a deacon at the First Presbyterian Church and served on the IUPUC Board of Advisors, as well as the Visitor's Center Board.

My deepest and most heartfelt condolences go out to his beloved wife Barbara, daughter Katherine, son Jeffery, and his nephew Philip. In the midst of this difficult time be encouraged that the innumerable contributions of Brooke Tuttle will not soon be forgotten.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mrs. MALONEY. Mr. Speaker, the House Republican Majority has done nothing to create jobs during the first session of the 112th Congress and now they're adding further injustice by hurting the millions of Americans who have lost their jobs through no fault of their own. The Republican unemployment insurance proposal would cut in half the total number of weeks of benefits provided, harm those States with the highest rates of prolonged unemployment, and allow unemployment funds to be used for other purposes.

If Congress does not act on an extension of unemployment benefits, more than one million Americans could lose their unemployment benefits next year. This is compounded by the Economic Policy Institute's findings that the drop in consumer demand resulting from expired unemployment benefits would cost the U.S. economy more than half a million jobs. This is unacceptable. According to the Congressional Budget Office providing federal unemployment benefits is one of the most effective ways to help boost the economy—in fact, for every dollar of benefits, nearly $2 in economic growth goes into the surrounding community. We should be working to support American families instead of causing more damage.

This bill should be about extending tax incentives and not pushing through the Majority's anti-environment agenda. This legislation includes a provision that bypasses the Keystone XL pipeline environmental review process by requiring the President to make a decision whether to approve the project within 60 days, even though a final route has not yet been proposed. It is responsible and critical that the Administration complete a proper assessment of the health risks and potential toxic contamination to the surrounding communities posed by the pipeline. Any effort to rush this process and compel a decision before a thorough review should not stand.

The Majority also is attempting to block air quality standards that have been thoroughly reviewed. The EPA is more than a decade late on issuing emissions standards requiring incinerators and boilers to reduce toxic air pollutants. While this would impact less than 1 percent of all boilers in the U.S., the Republican Majority is again attempting to nullify and delay the discharge limits. The pollutants from these emissions are linked to asthma, cancer, and heart disease, with the EPA estimating that the pollution reductions required by the rules would prevent up to 8,100 premature deaths, 52,000 asthma attacks, and 5,100 heart attacks each year and yield $12 to $30 in health benefits for every dollar spent to meet the standards. Such controversial provisions as the pipeline and the emissions standards have no place in tax legislation.

The issue of spectrum allocation should not be pushed through at the end of this session. While H.R. 3630 grants the Federal Communications Commission the authority to conduct incentive auctions, it does not ensure proper oversight of the process. This is especially

concerning as it relates to the public safety network. In the immediate aftermath of September 11th the importance of a strong and consistent public safety network was clear—first responders and emergency workers must be able to communicate in emergency and disaster situations. There is an insufficient amount of funds to research, build, and develop the public safety communications network as well as no requirement that the network providing for effective governance and national operability.

Finally, while I wholeheartedly believe that we must fix the Medicare Sustainable Growth Rate Physician payment formula (or "doc fix"), we cannot do it on the backs of the hospitals. This bill would cut Medicare hospital outpatient reimbursement rates to equalize them with rates for services provided in physician offices. The proposal is misguided because it ignores the significant differences in cost structures between hospitals and physician offices, including the added costs hospitals incur for caring for the uninsured. All of these cuts are on top of $155 billion in hospitals cuts from the Affordable Care Act (ACA) and more than $40 billion in cuts just created by sequestration. Hospitals simply cannot sustain these cuts and patient care will suffer if they are forced to do so.

RECOGNIZING JEFFERY POTTER AS THE 2012 PRESIDENT OF THE AMERICAN INSTITUTE OF ARCHITECTS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. SESSIONS. Mr. Speaker, on December 9, 2011 Jeffery Potter was duly elected to serve as President of the American Institute of Architects (AIA). Jeff is the Vice-President of POTTER, a design firm in Dallas, Texas established in 1983. The firm has a broad portfolio but specifically seeks to advance schoolhouse design in the region.

Jeff has been recognized by his peers through numerous regional AIA and trade awards for his design efforts and has juried design awards programs throughout the United States. Over the past 30 years Jeff has worked to elevate professional communications between his peers and to educate the public on the importance of design. Additionally, Jeff has worked with his colleagues to help combine traditional architectural journalism with social media and knowledge sharing to promote architecture in the 21st century.

As AIA President, Jeff has stated that he will focus on what he calls the "two spheres of influence": nurturing a grassroots organization of architects and building on the strengths of the organization to promote a professional institute of design leaders.

I urge my colleagues to join me in recognizing Mr. Potter's accomplishments and ask that we acknowledge the important role that architects serve in our economy.

NATIONAL DEFENSE AUTHORIZATION ACT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. WITTMAN. Mr. Speaker, I rise today to express my concern about the United States Navy's future plan to home port a nuclear powered aircraft carrier aboard Naval Station Mayport. I, along with other members of the Virginia Congressional Delegation, have continued to question the duplication of resources to move the home port of a nuclear aircraft carrier, when current resources in Norfolk, Virginia, meet these needs.

This nation is in very challenging and uncharted waters with respect to the Department of Defense budget. Every effort must be made to ensure efficient and thoughtful planning, procurement, and budgeting is conducted to support our national security strategy for the 21st century. While the budget may be getting smaller, the request for power projection and forward presence around the globe to protect our interests and ensure a peaceful future is only growing. Sequestration and the very real possibility of cutting $1 billion out of the Department of Defense budget over the next ten years puts our carrier force in jeopardy.

With these major defense cuts coming we are forced to address the proposal by the United States Navy to move a nuclear powered aircraft carrier to Naval Station Mayport. While strategic dispersal of forces is important, what is more important is that we maintain a capable level of forces to disperse.

An iconic symbol of American freedom domestically and abroad and a potential item for the sequestration chopping block, the aircraft carrier could face detrimental cuts to her fleet and capability because of a flawed defense strategy driven by looming budget cuts. The Navy has 11 nuclear-powered aircraft carriers in her fleet. While six remain deployed across the world, supporting operations, others are in rotation, utilized for training or remain in the shipyard for necessary maintenance.

On September 23, 2011, I wrote the Chief of Naval Operations, Admiral Jonathan Greenert arguing that at a time when the nation's historic fiscal challenges will require drastic cuts in federal spending, it is fiscally irresponsible and strategically unnecessary to build expensive and redundant nuclear-support infrastructure for CVN homeporting when there are more cost-effective alternatives to sustain Mayport's future as an operational base.

Admiral Greenert's response to the letter indicated concerns raised about the movement of an aircraft carrier to Mayport would be included in the Navy's strategic calculus. He stated that "the size of fiscal adjustments compels us to take a comprehensive strategic review, examining every program element, including the funding required to homeport a CVN in Mayport".

The conference report for the National Defense Authorization Act, H.R. 1540, addressed the issue of military construction funding for a road improvement project at Mayport. It states, "The conferees determined that the Massey Avenue Corridor Improvements Project had merit to support requirements at the Naval Station Mayport, Florida, whether or not a nuclear powered aircraft carrier was home ported there."

The proposed home port shift of an aircraft carrier, especially in this challenging budget environment, is unaffordable and unnecessary and I encourage this Congress and the United States Navy to carefully consider a better utilization of taxpayer resources to fund our men and women in uniform.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,051,286,197,149.79. We've added $10,249,881,021,855.51 to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RETIREMENT OF MR. T.J. PREJEAN, JR.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate T.J. Prejean, Jr. on his retirement from the Vermilion Parish Policy Jury.

For 31 years, T.J. proudly served District 13 as police juror, twice being the Vice President of the jury. Having attended 3,000 meetings during his career, T.J.'s commitment to ensuring the well-being of Vermilion Parish is clear.

Formerly an oil rig worker and farmer, T.J. began his service in office in 1980 and served eight consecutive terms. Opposition often stood in his way, but T.J.'s door-to-door campaign style reinforced his personal connection to the community.

During his time as police juror, T.J. made every effort to be accessible to the residents of District 13. He provided assistance during the several major hurricanes our region experienced in the past decade. In doing so, he demonstrated himself a concerned and dependable leader. His final police jury meeting will be Monday, December 19, 2011.

I offer my sincerest appreciation to T.J. Hebert for his dedication to the people of Vermilion Parish and congratulate him on his retirement. I am honored to be his representative in Congress.

BEN COLE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. KINGSTON. Mr. Speaker, every town has a few heroes, and lucky is the man whose

life crosses the path of one. I have had that good fortune in getting to know Ben Cole of Savannah.

Ben runs the Chain Baseball Academy. For nearly two decades, he had trained thousands of boys in the competitive art of ''America's Favorite Pastime.'' Ben takes youngsters of various walks of life and teaches them the fundamentals of hitting, pitching, and catching. Many go on to become star high school, college, and professional baseball players. It is no surprise that Chain Baseball has produced over 300 college level athletes and 44 professional, including two World Series pitchers!

However it is not just about baseball. It's about character building, teamwork, and excelling on and off the field. Ben's most important lesson for the parents is that if the kid doesn't want to be a baseball player: Don't force him. In today's society, sometimes parents can push their children too much. That takes the fun out of it for them and can hurt their confidence. Instead, parents should let them enjoy being kids. If they want to play baseball, fine, and if they don't, that's fine too. They have to want it for themselves, not their Moms and Dads.

Because of the amount of traveling required, playing baseball can be expensive. Not all families can afford the time and money involved. That's why Ben and Chain owner Buddy Meyer work hard to find financial aid for kids in need. The term ''elite athlete'' doesn't mean financially elite. They want the door to be open to all.

Ben also works patiently with Moms and Dads. He has a special place for women whose husbands are deployed. Chain Academy is less than a mile from Hunter Army Airfield, home of the 3rd ID. Often, Moms walk through the door with a boy whose dad is in Afghanistan or Iraq. Mom doesn't know much about baseball, but she's come to the right place. Ben makes sure her son, who has often just moved to town, is treated like family.

Finally, Ben leads by example. At 81 years old, he doesn't sit at the desk barking out instructions. He gets in the cage, picks up a bat, and shows his students how to swing, catch, or throw. And when the time allows, he puts on a batter's helmet and takes a few swings himself. With his perfect form he drives the ball hard and strong, proving to all he knows what he's doing.

Ben likes the great athlete but no more than the earnest athlete. No matter what the age, if a kid tries his best, Ben's there to help make him a better player. I can attest to that. I've seen him patiently spend hours coaching a fifty-six-year-old congressman. Even if there's little improvement, year by year, he's ready to help! His enthusiasm is contagious.

Ben's an optimist. He loves his country, his family, his favorite sport of baseball and the kids of all ages who play it. Star athletes come to the Chain all the time but nothing lights up his face as much as a grandchild.

In today's society, we have widespread obesity. In the Agriculture Appropriations Subcommittee, we spend as much time talking about obesity and exercise as hunger. We need more people like Ben who have kept themselves in shape. We need people to stay active physically, mentally, and spiritually. Think of the billions we could save in health care costs if more people took Ben's example. Finally, think how much more fun we'd have as a country if instead of just watching America's favorite pastime we would all play it.

May Ben and the Chain Baseball Academy keep up the good work and continue to inspire the rest of us for many years to come.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Ms. MOORE. Mr. Speaker, let's be clear. Iran activities are troubling and our Nation must continue to work to build an international coalition to pressure and isolate Iran until it verifiably ends such activities. The policies we use to effect our goals are as important as the rhetoric about being tough on Iran.

I vote for this legislation while noting it has flaws that must be addressed in the other body, in cooperation with the Administration. I will speak to some of those needed changes in a minute. However, I think other provisions such as language targeting government officials who commit human rights abuses and the provisions aimed at stopping Iran's Revolutionary Guard from trying to evade current U.S. and multilateral sanctions make sense. When the U.S. and our international allies work together, our efforts on Iran, including sanctions and diplomacy, are more effective and stronger. The same can be said when the Congress and the Administration are working together.

We should not confuse support for this bill with the fact that there exists a vast divergence of views in this Congress on the best policy to deal with the threat posed by Iran. However, the Republican majority determines the schedule and has made a choice to bring this bill up under a procedure that prevents any Member with other ideas (either to make the bill stronger or weaker depending on your view) from making further changes to it.

Even with my yes vote, I believe this legislation is in need of improvement. Sending a strong message is one thing but enacting an effective policy that supports that message is another. And this bill must be improved so our policy can match the strong message.

Where can this bill be improved? I have long been concerned and I have expressed those concerns on this floor before about unilateral sanctions. Treasury Secretary Geithner said last year, ''to be truly effective in ending Iran's proliferation activities and Iran's support for terrorism, we need to have in place a concerted, international approach. This is not something the United States can do alone. We need other countries to move with us.'' I concur wholeheartedly.

Yet, I know that the Administration has warned some provisions, like mandatory Iranian Central Bank Sanctions, may end up splintering the international coalition that it worked relentlessly to build as exemplified by passage of last year's UN Security Council Sanction Resolution. In a recent letter, Secretary Geithner made clear his concerns that sanctioning the Central Bank of Iran could negatively affect ''many of our closest allies and largest trading partners.'' Again, the most likely to be adversely affected by this bill are our closest allies, the ones we depend on to pressure Iran.

Why would this be so? According to Secretary Geithner, ''rather than motivating these countries to join us in increasing pressure on Iran, they are more likely to resent our actions and resist following our lead—a consequence that would serve the Iranians more than it harms them.'' The Administration has suggested ways to achieve the goals of this bill while ensuring we don't cripple the international coalition and consensus that it has worked so hard to build against Iran. Congress should listen. A piece of legislation that results in fewer countries working with us to isolate Iran and bring a verifiable end to its troubling nuclear activities is not a victory in my book.

Another provision in the bill—added in Committee—would prohibit U.S. diplomatic or other contact, whether intentionally or incidentally, with certain Iranian government officials. Whether intended by its authors or not, concerns have been raised about negative impact on our diplomatic efforts. I urge the Senate to remove this provision. It adds nothing to the bill's effectiveness but brings unnecessary confusion and controversy.

H.R. 1905 would also require the President to report, after its enactment, on negative impacts the bill would cause on our relations with friendly nations and on the U.S. economy. I think this gets it backwards. We need to get a better bill that addresses those concerns up front, rather than wait until after we have shattered the international coalition.

Again, I support a strong and unified international effort against Iran with U.S. leadership but my continued support for this legislation requires those in Senate (who will have the opportunity to amend it unlike the House did) to work with the Administration to address possible negative impacts on our diplomatic efforts, economy, and the Iranian people. This occured last year to get CISADA passed and I hope we repeat it again this time.

Lastly, no one should take passage of this legislation as a sign that diplomacy is off the table and that the only option going forward is a military strike. We need to invest in diplomacy—maybe now more than ever—and to continue to work with our international allies and others interested in peace and stability in the region.

TRIBUTE TO THE UNITED STATES ARMED FORCES AND INTELLIGENCE SERVICES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to the United States Armed Forces and Intelligence Services on the occasion of the successful completion of Operation Iraqi Freedom.

Nine years ago our country embarked on a military campaign to end the tyrannical rule of Saddam Hussein, bring the Iraqi people freedom and make the world a safer place. The road has not been an easy one to travel but through it all our U.S. service members have persevered. From the insurgency in the al Anbar Province to the violence in Baghdad, to the ultimate success of the surge, our troops did not lose sight of the goal. As the enemy

changed their tactics, our military, with the help of our intelligence community, adapted and overcame. While there have been many that have questioned America's ability to commit to a long war, a decade later proves our determination as well as assures our Iraqi friends that they have a lasting ally in the United States.

While we commemorate the successful completion of Operation Iraqi Freedom, the challenges remain for Iraq just as it would for any nascent democracy. Today, let us recommit ourselves diplomatically to Iraq and ensure that as the country experiences the growing pains of a new democratic state, they can turn to the U.S. for guidance and help.

Today also serves as the successful completion of Operation Iraqi Freedom which will be remembered in history, along with the almost 4,500 service members that were killed in action in Iraq. Today we also reaffirm a solemn promise that we will always remember their sacrifice and that they gave up the most precious of all things—life. We acknowledge that the death and eternal absence of a soldier, sailor, airman, Coast Guardsman or Marine does not exist in a vacuum—it is a wound that will never truly heal in the hearts of all those who loved them. We honor them as individuals—they are people who cannot be replaced but whose memory lives on whenever their story is told. So as we close this chapter, let us promise to honor our war dead every day, tell their stories and remember their sacrifice. In honor of all those who died in service to our country in Operation Iraqi Freedom, I would like to read the names of those killed from my congressional district.

Gunnery Sgt Jeffrey Bohr, United States Marine Corps

First Lieutenant Todd Bryant, United States Army

Sergeant Ryan Young, United States Army

Private First Class Brian Cutter, United States Marine Corps

Sergeant Eliu Miersandoval, United States Army

Lance Corporal Rafael Suarez, United States Marine Corps

Corporal Billy Gomez, United States Army

Specialist Jonathan Castro, United States Army

Corporal Jason Morrow, United States Marine Corps

Private First Class Jason Franco, United States Marine Corps

Sergeant Rhys Klasno, California National Guard

Sergeant Thomas McFall, United States Army

Specialist Cameron Payne, United States Army

Specialist Joshua Modgling, United States Army

Specialist Eric Holke, California National Guard

Staff Sergeant Eric Cottrell, United States Army

Staff Sergeant Alejandro Ayala, United States Air Force

Specialist Armando A. De La Paz, United States Army

Private Grant Cotting, United States Army

Lance Corporal David James Hogan, United States Marine Corps

Staff Sergeant Michael Cardenaz, United States Army

Senior Airman Michael Hinkle, United States Air Force

Sergeant Aaron Blasjo, United States Army

Sergeant Andrew Tobin, United States Army

God Bless our Troops and God Bless America.

CONGRATULATING MS. MADIE TILLMAN

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. TURNER of Ohio. Mr. Speaker, I am proud to recognize a distinguished member of the General Daniel ''Chappie'' James American Legion Auxiliary Post 776, located in my congressional district, for the service she has given to her community.

Ms. Madie Tillman received the Member of the Year Award for the Department of Ohio during the American Legion Auxiliary 2011 Department Convention, for her exceptional contributions to the American Legion Auxiliary. She is a long-time volunteer at the Dayton VA Medical Center. Last year, she raised $500 for a Christmas party for veterans and their families.

As the widow of a veteran, Ms. Tillman has been a dedicated, generous and unselfish advocate for veterans and their families. After learning that veterans in the Homeless Program at the Dayton VA were in need of book bags for their classes at Sinclair Community College, she collected bags for the veterans from local charitable organizations.

In January, she collected over one hundred 2011 calendars after learning that our troops deployed overseas wanted them so they could mark off the days until they could return home. The calendars were shipped to our troops by the Blue Star Mothers. An associate member of the Blue Star Mothers of America, she also donates to their ''Trick or Treat for Troops'' program, and other activities.

I appreciate this opportunity to recognize a good and compassionate citizen, Ms. Madie Tillman, for her service to our community and our Nation's veterans.

IN HONOR OF THE RETURN OF OUR WOUNDED WARRIORS TO AMERICA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. BOUSTANY. Mr. Speaker, I rise today in honor of our wounded warriors returning home from abroad. Several times a week, wounded American soldiers return to the United States, landing at Andrews Air Force Base. Some have short layovers before going to their homes or medical facilities around the country. Others remain in the Washington, DC, region to get care and recover. Whatever their final destination, I ask that our thoughts and prayers go out to the members of our Armed Forces and their families.

Their sacrifices to our nation will never be forgotten. In honor of their service and in hopes for their recovery I ask that this poem penned by Albert Caswell be placed in the RECORD.

IN HONOR NOW

In . . .
In Honor Now!
As here we stand so very proud!
So very proud of all of you so now . . .
With open arms, as here we stand with hearts so very warm . . . All in our hearts of love, so very full . . . beating loud!
Waiting all for you!
Welcome Home!
As you come down into view . . .
All as America's most brilliant of all hues!
Her Armed Forces so very tried and true!
As all of our hearts so run to you . . .
Oh can you but not so hear them now!
Welcome Home!
With open arms, all in our hearts of love for you so very warm!
Our most precious of all daughters and sons . . .
Who are but honor bound, as are all of these ones!
Who all so stood, for what was good and true!
While, all in that face . . . of deep dark death and war, as did you!
Welcome Home!
As all for God and Country Tis of Thee, you would so die and bleed!
As you so cried, as they so laid your brothers and sisters down to rest!
All into that soft cold quiet ground, were but lain all of America's Best so down!
All in your tears, as we so saw what your love for each other so said!
And That Blood That Binds You, so ran red!
All In Such Honor Now, as here we so stand so very proud!
All in how your fine lives have so read!
Can you but not so hear all of our hearts for you so pound?
Welcome Home, now to where you so belong!
With Open Arms, as here we stand with our love for you so very warm . . .
So very strong!
Back home again, with your families as the tears begin . . .
Whose, fine hearts have so cried . . . and so worried all of the time!
We pray to end their most restless sleep, and so let them all so find peace!
For they are but America's Quiet Heroes, The Families as so are all of these!
Because, all of you and your families' fine lives . . . have but been a song!
A song of such Faith and Courage!
One of such Strength In Honor, who this our Nation has so nourished!
With Open Arms we now so cry, Welcome Home!
Far from all of that darkness of most dreaded war, and all its grave harm!
As now, you all can so rest!
As a time to so rebuild . . . to so replenish, and once again your courage to test!
As you rebuild with what you have left . . .
As all our hearts are now so filled, with such love and respect . . . it's now time to heal America's Best!
For all of you and your families, may our Lord God So Bless . . .
For you have a new battle now to begin!
And oh yes, American's finest ones . . . you shall win!
Welcome Home, for this our Nation you have so blessed!
As now you wear that most noblest title of them all!
As an American Hero, whose magnificent hearts upon a battlefield of honor stood tall!
With . . .
With Open Arms . . .
Welcome Home! As to all of you, our hearts so roam!
In Honor Now, Here We So Stand With Open Arms!

Welcome Home . . . In Honor Now!
(By Albert Caswell)

JOHN TILLITSKI

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. KINGSTON. Mr. Speaker, when I was in 10th grade history class, the teacher caught me chewing gum. I don't know why it's so hard to chew gum without being noticed, but there I was caught and on my way to the Principal's office. I had never personally met him. He was a no-nonsense man named John Tillitski.

He asked me why I was sent to him. There weren't any official forms so when asked, you were expected to give a full report of your crime without equivocation.

''I was chewing gum, sir.''

''Oh,'' He looked me in the eye and added, ''Do you want to stay in school?''

''Yes, sir.''

''Fine, bend over.'' With that, he pulled a 12'' rubber sole of a shoe out of his desk, popped me on the hindquarters, and said, ''go back to class.''

That was it, verdict, sentence, and punishment. It was over in 5 minutes. Then I was back in class, sitting quietly, taking notes, and learning American history. No more chewing gum.

That's the way John Tillitski handled things. Clear. Concise. Fair. Without drama, without red tape, just old fashion, even-handed, blind justice.

It was 1971. He was a man suited for the time. We were the first white class to attend what had previously been the all black Burney Harris High School. The courts had spoken. The town was nervous, the administration tentative and the teachers incredibly challenged by the change set in front of them. Not Mr. Tillitski. He saw black and white not in skin color but in justice, fairness, and common sense. He could bridge the unsettled times with confidence.

The fear was that every fight, skirmish, or incident could accelerate into a race riot. In this atmosphere he became the ''go to'' guy. Everyone knew he was a straight shooter. If the issue could be resolved quietly he could do it.

A few years later, his son Chris and I decided to liven up the day by driving a motorcycle down the hall of the school. I should do the right thing and say it was a joint decision, but in the style of Washington politics I'll blame the whole idea on Chris, who in turn claimed his brothers Steve and Mike had pulled similar stunts. Down the hall we roared loudly as a jet plane. Soon, hundreds of students and teachers poured out of their classes trying to find out what had happened. We were surrounded by a mob of teachers and students, some laughing, some screaming, most in bewilderment. The principal was beet red in anger and unable to complete a sentence in his fury. Finally, Mr. Tillitski reemerged from the throng. As the sea parted for his entrance, he simply said, ''Turn the damn thing off and get it out of here.'' We pushed it outside, order was restored, and we were duly punished.

He was a man's man. Strong, gruff, and competitive. As the father of boys, he knew boys needed discipline, love, and nourishment. Once, Chris and I found an old canoe in the river. Its seaworthiness had been beaten out of it by a series of rapids. We took it home to restore it, a long shot at best but Mr. Tillitski supported our effort. When we finally got it to float, he was the first to give us boat paddles.

Another time, Chris and I hopped a train and tried to make it to Myrtle Beach, S.C. We didn't disclose the details of our mode of transportation to our parents. We made it to Morehead City but ran out of track and trains headed in the right direction. Hitchhiking home, we informed our parents where we had been and announced that we'd try again soon. Rather than fighting about it, telling us we were stupid and how dangerous it was, Mr. Tillitski quietly let us borrow his prize green 1967 Mustang. Practically a sports car. Not a prettier sight was seen driving down the Myrtle Beach strip. He knew boys had to push an envelope but he also knew how to rein them in without killing our youthful spirit.

As with so many influential men there was a great family structure to go along with them. John's wife, Joan, was a wonderful partner standing by him, raising the boys and making sure the family bond stayed strong. As a trained nurse she knew when one of the boys needed a trip to the hospital, a bandage or a good hug. They are an ideal couple.

I was blessed to have people and educators such as John and Joan Tillitski in my life. In today's world with its confusion and uncertainty, we need more people with firm ideals and gentle hands to guide them. The world would be a better place.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 1540, National Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S8619–S8691

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1996–2007, and S. Res. 348. **Pages S8679–80**

Measures Reported:

H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, with an amendment. **Page S8679**

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 92, directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540. **Page S8664**

Fallen Heroes of 9/11 Act: Senate passed H.R. 3421, to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. **Page S8689**

Enrollment Correction: Senate agreed to H. Con. Res. 93, providing for a correction to the enrollment of the bill H.R. 2845. **Pages S8689–90**

Targeting Transnational Drug Trafficking Act: Committee on the Judiciary was discharged from further consideration of S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8690**

Durbin (for Feinstein/Grassley) Amendment No. 1464, in the nature of a substitute. **Page S8690**

40th Anniversary of the National Cancer Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 347, recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment, and the resolution was then agreed to. **Pages S8690–91**

Measures Considered:

Middle Class Tax Relief and Job Creation Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 3630, to provide incentives for the creation of jobs. **Page S8673**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, December 17, 2011. **Page S8673**

Conference Reports:

National Defense Authorization Act: By 86 yeas to 13 nays (Vote No. 230), Senate agreed to the conference report to accompany H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S8632–S8664**

Nomination Confirmed: Senate confirmed the following nomination:

By 95 yeas to 3 nays (Vote No. EX. 231), Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

Pages S8625–28, S8664–65, S8691

Nominations Received: Senate received the following nominations:

Michael A. Raynor, of Maryland, to be Ambassador to the Republic of Benin.

Jacob Walles, of Delaware, to be Ambassador to the Tunisian Republic.

Sharon Block, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

Richard F. Griffin, Jr., of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2016.

Rachel L. Brand, of Iowa, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2017.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2012.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2013.

11 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

A routine list in the Foreign Service. **Page S8691**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014, which was sent to the Senate on January 26, 2011. **Page S8691**

Messages from the House: **Page S8677**

Measures Referred: **Page S8677**

Measures Read the First Time: **Pages S8677, S8691**

Executive Communications: **Pages S8677–78**

Executive Reports of Committees: **Page S8679**

Additional Cosponsors: **Pages S8680–81**

Statements on Introduced Bills/Resolutions: **Pages S8681–88**

Additional Statements: **Pages S8676–77**

Amendments Submitted: **Page S8689**

Authorities for Committees to Meet: **Page S8689**

Privileges of the Floor: **Page S8689**

Record Votes: Two record votes were taken today. (Total—231) **Pages S8664–65**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:03 p.m., until 10 a.m. on Friday, December 16, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8691.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Michael T. Scuse, of Delaware, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Coons, and Chester John Culver, of Iowa, who was introduced by Senators Harkin and Grassley, and Bruce J. Sherrick, of Illinois, both to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Michael A. Sheehan, of New Jersey, to be an Assistant Secretary, and Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, both of the Department of Defense, and 832 nominations in the Army, Navy, and Air Force.

GENETICALLY ENGINEERED FISH

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine environmental risks of genetically engineered fish, after receiving testimony from Ronald L. Stotish, AquaBounty Technologies, Inc., Waltham, Massachusetts; John Epifanio, Illinois Natural History Survey, Champaign; George H. Leonard, Ocean Conservancy Aquaculture Program, Santa Cruz, California; and Paul Greenberg, New York, New York.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 1108, to provide local communities with tools to make solar permitting more efficient, with an amendment;

S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, with amendments;

S. 1149, to expand geothermal production, with amendments;

S. 1160, to improve the administration of the Department of Energy, with an amendment in the nature of a substitute; and

The nomination of Arunava Majumdar, of California, to be Under Secretary of Energy.

NUCLEAR REGULATORY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the Nuclear Regulatory Commission's near-term task force recommendations for enhancing reactor safety in the 21st century, after receiving testimony from Gregory B. Jaczko, Chairman, and Kristine L. Svinicki, George Apostolakis, William D. Magwood IV, and William C. Ostendorff, each a Commissioner, all of the Nuclear Regulatory Commission.

TRAFFICKING NARCOTICS IN THE CARIBBEAN

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean, after receiving testimony from William R. Brownfield, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Rodney G. Benson, Assistant Administrator, Chief of Intelligence, Drug Enforcement Administration, Department of Justice; Liliana Ayalde, Senior Deputy Assistant Administrator, Latin America and Caribbean Bureau, United States Agency for International Development; Eduardo A. Gamarra, Florida International University, Miami; and Douglas Farah, International Assessment and Strategy Center, Alexandria, Virginia.

IMPROVING GOVERNANCE IN THE DEMOCRATIC REPUBLIC OF CONGO

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine improving governance in the Democratic Republic of Congo, after receiving testimony from Johnnie Carson, Assistant Secretary of State for African Affairs; Mark Schneider, International Crisis Group, and Mvemba Phezo Dizolele, Stanford University Hoover Institution on War, Revolution and Peace, both of Washington, D.C.; and Anthony W. Gambino, Eastern Congo Initiative (ECI), Bethesda, Maryland.

PRESCRIPTION DRUG SHORTAGES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine prescription drug shortages, focusing on examining a public health concern and potential solutions, and if the Food and Drug Administration's ability to respond should be strengthened, after receiving testimony from Senator Klobuchar; Sherry Glied, Assistant Secretary for Planning and Evaluation, and Sandra Kweder, Deputy Director, Office of New Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, both of the Department of Health and Human Services; Marcia Crosse, Director, Health Care, Government Accountability Office; Murray Aitken, IMS Institute for Healthcare Informatics, Parsippany, New Jersey; Ralph G. Neas, Generic Pharmaceutical Association, Washington, D.C.; and John Maris, The Children's Hospital of Philadelphia, Philadelphia, Pennsylvania.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, with an amendment;

S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels; and

The nomination of Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 3673–3695; and 4 resolutions, H.J. Res. 93; and H. Res. 497–499 were introduced.

Pages H9005–07

Additional Cosponsors: **Pages H9007–08**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (H. Rept. 112–331) and

H. Res. 500, providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideation of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes (H. Rept. 112–332). **Pages H9005, H9004, See next issue.**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today. **Page H8969**

Recess: The House recessed at 11:41 a.m. and reconvened at 12 noon. **Page H8980**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 330 yeas to 83 nays with 2 answering "present", Roll No. 933.

Page H8990

Recess: The House recessed at 12:33 p.m. and reconvened at 1:15 p.m. **Page H8994**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Welfare Integrity and Data Improvement Act: H.R. 3659, amended, to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012.

Pages H8984–90

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on December 13th:

United States Marshals Service 225th Anniversary Commemorative Coin Act: H.R. 886, amended, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, by a ⅔ recorded vote of 412 ayes to 1 no with 1 answering "present", Roll No. 934.

Page H8991

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, December 14th:

Rattlesnake Mountain Public Access Act of 2011: H.R. 2719, to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, by a ⅔ recorded vote of 416 ayes with none voting "no", Roll No. 935 and **Pages H8991–92**

Providing for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska: H.R. 443, amended, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, by a ⅔ recorded vote of 407 ayes to 4 noes, Roll No. 936. **Pages H8992–93**

Recess: The House recessed at 4:37 p.m. and reconvened at 10:56 p.m. **Page H9004**

Recess: The House recessed at 10:58 p.m. and reconvened at 12:56 a.m. on December 16th.

Page H9004

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H8984 and H9004.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H8990, H8991, H8992 and H8992–93. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:58 a.m. on Friday, December 16, 2011.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on the Budget: Full Committee held a markup of H.R. 3521, the "Expedited Line-Item Veto and Rescissions Act of 2011." The bill was ordered reported, as amended.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing on H.R. 3606, the ''Reopening American Capital Markets to Emerging Growth Companies Act of 2011.'' Testimony was heard from public witnesses.

HOMELESS CHILDREN AND YOUTH

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''The Homeless Children and Youth Act of 2011: Proposals to Promote Economic Independence for Homeless Children and Youth.'' Testimony was heard from Alicia Puente Cackley, Director, Financial Markets and Community Investment, Government Accountability Office; Seth Diamond, Commissioner, New York City Department of Homeless Services; Maria Estella Garza, Homeless Liaison, San Antonio Independent School District; Mark Johnston, Deputy Assistant Secretary for Special Needs, Office of Community Planning and Development, Department of Housing and Urban Development; Barbara Poppe, Executive Director, U.S. Interagency Council on Homelessness; Grace Whitney, Director, Connecticut Head Start State Collaboration Office, Connecticut State Department of Education; and public witnesses.

COLLAPSE OF MF GLOBAL

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''The Collapse of MF Global.'' Testimony was heard from Dan M. Berkovitz, General Counsel, Commodity Futures Trading Commission; Robert Cook, Director, Division of Trading and Markets, Securities and Exchange Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a markup of the following: H.R. 3401, to apply counterinsurgency tactics under a coordinated and targeted strategy to combat the terrorist insurgency in Mexico waged by transnational criminal organizations, and for other purposes; and H.R. 2542, to withhold twenty percent of United States assessed and voluntary contributions to the Organization of American States (OAS) for every permanent council meeting that takes place where Article 20 of the Inter-American Charter is not invoked with regard to Venezuela's recent constitutional reforms, and for other purposes. H.R. 3401 was forwarded without amendment. H.R 2542 was forwarded, as amended.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee began markup of H.R. 3261, the ''Stop Online Piracy Act.''

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing on the following: the Harris Neck National Wildlife Refuge and How the Federal Government Obtained Title to This Land and Promises Made to the Original Landowners; H.R. 1171, the ''Marine Debris Act Reauthorization Amendments of 2011''; and S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes. Testimony was heard from Rep. Farr; Rep. Kingston; Cindy Dohner, Regional Director, Fish and Wildlife Service; Holly Bamford, Deputy Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration; and public witnesses.

WHAT THE EURO CRISIS MEANS FOR TAXPAYERS AND THE U.S. ECONOMY

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled ''What the Euro Crisis Means for Taxpayers and the U.S. Economy, Pt. I.'' Testimony was heard from public witnesses.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012; DISASTER RELIEF APPROPRIATIONS ACT, 2012; AND DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 3672

Committee on Rules: Full Committee held a hearing on the following: H.R. 2055, the ''Appropriations Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012; H.R. 3672, the ''Appropriations Disaster Relief Appropriations Act, 2012''; and H. Con. Res. 94, the ''Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672''. The Committee granted, by record vote of 7 to 2, a rule waiving all points of order against the conference report to accompany H.R. 2055 and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one

hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII. The resolution also provides a closed rule for H.R. 3672 with one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill and provides that it shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. The resolution further provides a closed rule for H. Con. Res. 94. The rule provides 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the concurrent resolution and provides that it shall be considered as read. The rule waives all points of order against provisions in the concurrent resolution. The rule provides one motion to recommit without instructions. The rule provides that the Clerk shall not transmit to the Senate a message that the House has passed H.R. 3672 until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of H. Con. Res. 94 as adopted by the House. The rule provides that it shall be in order at any time through the legislative day of December 16, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure continuing appropriations for the fiscal year ending September 30, 2012. Finally, the rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported through the legislative day of December 31, 2011, providing for consideration or disposition of any of the following measures: (1) a measure relating to expiring provisions of the Internal Revenue Code of 1986; (2) a measure relating to the Medicare payment system for physicians; and (3) a measure relating to appropriations for the fiscal year ending September 30, 2012.

Testimony was heard from Chairman Rogers of Kentucky.

MEDICAL LOSS RATIOS

Committee on Small Business: Subcommittee on Investigations, Oversight and Regulations held a hearing entitled "New Medical Loss Ratios: Increasing Health Care Value or Just Eliminating Jobs?" Testimony was heard from public witnesses.

CALIFORNIA'S HIGH-SPEED RAIL PLAN

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled "California's High-Speed Rail Plan: Skyrocketing Costs & Project Concerns." Testimony was heard from Rep. McCarthy; Rep. Cardoza; Rep. Nunes; Rep. Costa; Rep. Rohrabacher; Rep. Zoe Lofgren of California; Rep. Loretta Sanchez of California; Joseph Szabo, Administrator, Federal Railroad Administration; Jerry Amante, Mayor, Tustin, California and Member, Orange County Transportation Authority Board of Directors; Ashley Swearengin, Mayor, Fresno, California; and public witnesses.

VOW TO HIRE HEROES ACT OF 2011

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled "Reviewing the Implementation of the VOW to Hire Heroes Act of 2011." Testimony was heard from Ismael Ortiz, Jr., Acting Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, Department of Veterans Affairs.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 16, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled "Changing Energy Markets and Their Geopolitical Implications." 10 a.m., 2200 Rayburn.

Committee on House Administration, Full Committee, markup of H. Res. 496, adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress. 10:30 a.m., 1310 Longworth.

Committee on Oversight and Government Reform, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled "What the Euro Crisis Means for Taxpayers and the U.S. Economy, Pt. II." 9:30 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, December 16

Senate Chamber

Program for Friday: Senate will be in a period of morning business until 12 noon.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 16

House Chamber

Program for Friday: Consideration of the conference report to accompany H.R. 2055—Military construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012 (Subject to a Rule). Consideration of H.R. 3672—Disaster Relief Appropriations Act, 2012 (Subject to a Rule). Consideration of H. Con. Res. 94—Directing the clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672 (Subject to a Rule). Consideration of the following suspensions: (1) Senate Amendment to H.R. 1892—Intelligence Authorization Act for Fiscal Year 2011 and (2) Senate Amendment to H.R. 2867—United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.

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(House proceedings for today will be continued in the next issue of the Record.)

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