military superiority this evening I think for two essential reasons. The first and most important one is the quality of the young men and women who volunteer to serve us. Without question, that's the most important reason. But the second, I believe, is our superiority in the air, our ability in any corner of the globe to establish dominance over the battle space by virtue of the quality of our air assets.

The operability of those air assets, as Mr. HUNTER just mentioned a few minutes ago, is at risk if we are dependent upon one supply chain, one manufacturing process, one set of parts, and one set of solutions to a problem. You always want to have a plan B. This would be a difficult call if having that plan B operationally cost us more money, but it isn't a difficult call because the opposite is true. Having the plan B, having the option, saves money for the American taxpayer. The GAO has estimated about $21 billion over time because of the merits and benefits of choice and competition.

We have two fine enterprises involved with these engines, and I think what we ought to do is create a system where each flourishes, not because of the benefits of the job creation that will occur—although that's certainly a welcome benefit—but because operationally, this is the best way to support those who serve us. This is the best way to avoid putting them at risk because of operational defects and because the benefits and merits of competition over time will reduce pressure on our taxpayers to the tune of $21 billion.

I thank the Chair for his collegial work on this subject, and I would urge Members to defeat this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 514, EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–14) on the resolution (H. Res. 93) providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, which was referred to the House Calendar and ordered to be printed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 2008

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. CONAWAY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 2, offered by the gentleman from Florida (Mr. ROONEY), was pending.

Mr. CHABOT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. I rise in opposition to the gentleman's amendment.

Mr. Chairman, as we debate the funding of a competing engine for the Joint Strike Fighter Program, there are a few key points that we should keep in mind.

First, competition has long been the best way to control costs on large defense programs, and competition is the centerpiece of acquisition reform. By funding competing engines for the Joint Strike Fighter, we can save $21 billion. Let me repeat that, $21 billion savings in taxpayer money over time according to the Government Accountability Office.

□ 2010

Beyond the GAO's projections, our recent history demonstrates that competition also leads to a more efficient process, quicker innovation, and better contractor responsiveness. Recently, the Quadrennial Defense Review Independent Panel concluded, ''History has shown that the only reliable source of price reduction through the life of a program is competition between dual sources.'' Additionally, the absence of competition makes it harder to address the issues that inevitably arise in connection with sophisticated and critical technology, such as jet engines.

Mr. Chairman, we are seeing such issues on the lead engine for the Joint Strike Fighter. Pratt & Whitney was designated to power the JSF aircraft under the theory that it could effectively derive an engine from its engine for the F–22. Unfortunately, it wasn't as easy as they had anticipated. As a result, the lead engine for the Joint Strike Fighter is now billions of dollars over budget and, worse, struggling to perform the critical functional requirements for the aircraft.

I quote directly from the GAO report from March 2010: ''The Pratt engine is now estimated to cost about $7.3 billion, a 50 percent increase over the original contract award. The total projected cost increased $800 million in 2008. Engine development cost increases primarily resulted from higher costs for labor and materials, supplier problems, and the rework needed to correct deficiencies with an engine blade during redesign. Engine test problems have also slowed development.''

The GAO further confirmed an additional total project cost increase of $1.2 billion in 2010 alone to cover higher than expected engine costs, tooling, and other items. And on February 11, 2011, yet another cost overrun on the lead engine was announced, this time totaling at least $1 billion, bringing total cost overruns on the lead engine to an astounding $3.5 billion today.

The Department of Defense says we don't need a second engine, but these issues won't fix themselves. Only competition will help control costs and create a better, more efficient process. I ask you, How can we afford not to invest in a competing engine? Bottom line, having the engine makers fight head-to-head will give us a far more capable, more cost effective Joint Strike Fighter.

I yield back the balance of my time.

Mr. COURTNEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. COURTNEY. Mr. Chair, I rise in support of the gentleman from Florida's amendment. And as a fellow member of the House Armed Services Committee, I just want to share at least some of the ad nauseam length of input that we have had at the Armed Services Committee over the last 2 or 3 years talking about this issue.

We have had the benefit of hearing from the warfighters, the heads of the various branches that are dealing with this program, whether it's the Marines, the Navy, the Air Force, and they have repeatedly, over the last 2 or 3 years, stated that there is no justification for this wasteful spending which, again, both the President and the Secretary of Defense have also supported.

On the Seapower Subcommittee, which I serve on, Admiral Roughead, the CNO, head of the Navy, talked about the disastrous operational impact that having two engines would have in terms of our aircraft carriers. As he stated: ''One can look at a carrier and see a very large ship, but when

that ship is deployed, we have things packed in almost every nook and cranny in order to provide that reliability and responsiveness. So having to stock two different types of engines is just not practical for us.''

It would be totally unrealistic to have a situation where the F–35B and the F–35C, which are the planes which will land on our aircraft carriers, have to fly in with two separate engines that would require two separate systems of maintenance and repair. And the notion which was stated earlier by one of the prior speakers that they are somehow interchangeable—well, if we're going to have interchangeability, then we may as well just have one engine system which is, in fact, what we have today in terms of the F–18 Super Hornets which land on aircraft carriers every day of the year. It is one engine supplier which provides the engines for those Super Hornets, GE, and good for them. And as Admiral Roughead said, he really doesn't care which engine it is, but the Navy needs to have only one system in order for them to be operational on the 11 aircraft carriers that today make up a key component of our national defense.

One person on the committee sort of suggested the fact that, well, maybe a way to solve that problem would be to have GE aircraft carriers and Pratt & Whitney aircraft carriers which, again, kind of I think highlights the absurdity of the notion that you are going to have two separate engine systems on these vessels on which every square inch is precious.

Mr. Chair, we have heard a lot of talk about competition. I'm sure there is going to be lots of rebuttal about the fact that there was a competition which led into the selection of the Pratt & Whitney engine. But what I would just end with is that competition is one thing; redundancy and waste is another.

We do not have two of everything in terms of our procurement systems. We did not have two engines for Blackhawk helicopters. We did not have two engines for F–18s or our ships. We don't have two nuclear reactor systems for our submarines, for our aircraft carriers. We don't have two separate engines for our destroyers.

The fact of the matter is you have to make decisions sometimes in order to achieve efficiency, and that's where we are today with the F–35 program. The notion that we are going to add $3 billion to production costs by having a separate alternate engine and all of the rippling effects of operational headaches which Admiral Roughead eloquently described before the Armed Services Committee is just not something that our military can afford today.

We have reached a tipping point in terms of our military budgets. We have got to focus on effective, efficient use of resources to help the warfighter and to advance our national security. And having a bloated, wasteful system of an alternate engine, which is the way The Washington Post described this program, is not the way to achieve that goal.

I strongly support this amendment and urge my colleagues to pass this amendment for a cost-effective, efficient use of our resources for our national defense.

I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Chair, I rise today to strongly urge my colleagues to vote ''no'' on this amendment. This is the wrong way to go at our critical hour of need. Congress has consistently provided funding for the development of the alternative engine because Congress knows full well the benefits of competition in weapons acquisition and procurement.

Last session, we passed the Weapons Systems Acquisition Reform Act of 2009, 411–0 in favor, and, in fact, our Senate colleagues agreed with 95–0. If there is such overwhelming bipartisan agreement in both Chambers on the need for competition in weapons systems acquisition, then why are we taking a vote to eliminate competition for the propulsion system that is going to power 95 percent of our tactical fighter fleet over the next 40 years?

Section 202 of the Weapons Systems Acquisition Reform Act clearly states, ''The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes measures to ensure competition throughout the life cycle of such program.''

The Joint Strike Fighter is the Department of Defense's largest procurement program. The Department of Defense plan calls for acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F–35s were expected to be purchased by U.S. allies. If the propulsion system that powers nearly 3,000 tactical jet fighters is not a major defense acquisition, then I'm not sure what qualifies.

Passing this amendment will hand Pratt & Whitney a $100 billion monopoly on a 30-year contract that has never been competitively bid. Proponents of this amendment will argue that Pratt & Whitney won the engine competition when Lockheed was awarded the contract to develop a Joint Strike Fighter. Not so fast.

Last May, Mr. John Roth, from the Office of the Under Secretary of Defense Comptroller, and Mr. Mike Sullivan, the Director of Acquisition and Sourcing Management at the GAO, both testified before the House Oversight and Government Reform's Subcommittee on National Security and Foreign Affairs that the competition was done at the contractor level and that the engines were never actually competed.

The point of all this, Mr. Chair, is that the engine competition never occurred, and it is disingenuous to argue that Pratt & Whitney has already won. The fact is that providing funds for the competitive alternate engine will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensure that taxpayer dollars are not wasted.

□ 2020

History shows that competing engines can result in significant long-term savings. The ''Great Engine War'' saved the F16 program 21 percent in overall costs according to the 2007 GAO report. This represents $20 billion in savings for the lifetime of the Joint Strike Fighter Engine program.

Additionally, the alternative engine team represented by GE and Rolls-Royce offered the Department of Defense a fixed-priced contract. Their offer saves $1 billion in the first 5 years and puts cost overruns at the risk of the contractor. This is an unprecedented move in major defense acquisition.

Finally, providing for a competitive alternate engine will serve as a hedge against operational risk and ensure that a fighter that makes up 95 percent of our tactical fleet is not grounded due to engine failures.

Fully funding the alternative engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

Mr. Chairman, I urge my colleagues to vote ''no'' on this ill-guided amendment. It will not save taxpayers money in the long run. I'm not even sure it's really going to save them money in the short run.

I yield back my time.

Mr. LARSON of Connecticut. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of the amendment by TOM ROONEY of Florida. Let me commend my colleague from Florida, first and foremost, and those that have joined him in this amendment.

At the President's State of the Union message there was a symbolic gesture in this Chamber for us to sit together, and we did. And we talked about the camaraderie and the need to reach out and work together.

I applaud my colleague for his strong stance and his willingness to work bipartisanly to do what the Navy, the Air Force, the Marines, the Secretary of Defense, the Bush administration and the Obama administration have asked Congress to do: end this wasteful, duplicative spending.

There are new Members that have come to Congress on both sides with new zeal and the ability to perhaps look outside the beltway at what people have to experience on a regular

basis, and they scratch their heads in awe of what seems to be a commonsense proposal by the Bush administration, by the Obama administration, by the Air Force, by the Marines, and by the Navy, and that's to end this wasteful spending.

We've heard great talk about competition. My God, I'm all for competition. I don't think there isn't a person who isn't for competition. Two engines, why not three? Why not four? It would be better overall for our industrial base.

But the people on the committee know the hard truth, as do all Americans. We've seen it. I fault no one for support of the interest of their State or their district or their employees, but let's be honest about this. We're going to have to make priorities. I've witnessed it in the C–17 and the F–22. And there comes a time when you recognize that we need these precious dollars. There has to be cuts. Both sides have acknowledged, and again I want to compliment my colleagues on the other side for the zeal that they have come here with to say, listen, the Pentagon isn't sacrosanct either, and we have to make these cuts.

And here's the Secretary of Defense pleading yesterday at a conference saying, please, the Navy, the Marines, the Air Force do not want this engine.

Look, competition is great, but let's look at some of the facts here that have been cited as well. If you have 86 percent of the market currently, and you're seeking to get 92 percent of it, where does competition lie? With a company that has 86 percent? I don't think so.

And I think anyone who looks at this from a commonsense perspective comes to that understanding, comes to that difficult decision that has to be made with respect to the Nation's deficit.

Now, Mr. ROONEY has proposed that this money go directly into a lock box to deal with the Nation's deficit. There are a lot of good proposals where to use money, but that's what he's proposed. I submit, as a Democrat who would like to see the money going to COPS funding, to make sure that LIHEAP funding gets there, that these are the kinds of compromises and decisions that we have to make. And this is what's right for the country. We have to address this deficit.

And if we have our leadership, the Bush administration, and their Pentagon, the Obama administration, you heard JOE COURTNEY talk about Admiral Roughead again saying today the absurdity involved in this argument.

It doesn't matter what company. What matters is this country. I strongly support his amendment.

Mr. DOLD. I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. Mr. Chairman, I rise today in support of the amendment. At a time when we're running at $1.48 trillion deficits, the President's budget actually talks about a $1.6 trillion deficit. We're looking at debts of $14 trillion.

We have to tighten our belt. There is no question about it. The American public's doing it. We've asked the American families and businesses across the land to tighten their belts in order to get by. The Federal Government should be no different.

Now, we are very strong on defense. We want to make sure that those that are in harm's way have everything at their disposal to make sure that they can do the task that we've asked them to do. This, however is the program that the Department of Defense, the Secretary of Defense has said we don't need it, we don't want it. We need to make sure that we are cutting back across the board in terms of all different Departments. We need to go into every single one and say, where are the areas that we can cut back? Where is there duplication? Where are there areas that we can find that we don't need to spend today? This is a program that will save the American taxpayer $3 billion.

Now, we admit, competition is good. But why not three engines? Why not four engines? The reason why, as someone said, is we can't afford it. We can't afford two right now. We want to make sure that the engine that's out there, the one that has been awarded by the Department of Defense, has the opportunity to move forward. It is the base for the F–22. It certainly has proved itself in terms of a base engine. They're making improvements, but this is an engine that they've invested over 20,000 flight hours in. This is something that is going to move forward. The question is, are we going to fund an additional engine?

I think that we need to talk about saving dollars, saving $3 billion when both the Bush administration, the current administration right now, and the Department of Defense, the Secretary of Defense—and when was the last time you heard any of the Secretaries advocating that we don't need this money?

□ 2030

This is probably a very historic moment. They are absolutely, 100 percent looking out for the safety of those that wear the uniform.

I am going to urge my colleagues that we have to step forward, we have to cut back on areas, and this is an area that the Secretary of Defense has said we need to cut back on. I am going to urge you to vote ''yes'' in favor of this amendment.

I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. MURPHY of Connecticut. I rise in strong support of the amendment from the gentleman from Florida.

Cutting spending is not easy, but this one should be. I think the gentleman hit it right on the head. You are talking about the Department of Defense, the Secretary of Defense, the President, the generals who command the field all recommending against the development of a second engine. We should listen.

Now, we have heard a lot of discussion tonight, as we have when we've debated this issue in the past, about the dual issues of both quality and cost. But if this was really about the issues of both quality and cost, then we wouldn't just be talking about building a second engine. We would be talking about building a second plane; we would be talking about building a second aircraft carrier.

But as Representative COURTNEY so eloquently stated, the reason that we aren't talking about competitive bidding for a second plane, the reason why we aren't talking about two or three different aircraft carriers is that our generals, our military professionals have told us over and over again that it would be a tactical and operational nightmare to have a diversity of operational platforms with respect to these large operating systems.

This isn't about quality in the end, because the Army, the Navy, the Secretary of Defense tell us that it's not about quality.

If this was really about quality and cost, then we would have actual real competition. But we're not going to have real actual competition. What we know about these competitive bidding arrangements is that there is an explicit or implicit floor in the amount of business that you get. So whichever one of these engines is the inferior engine or the more costly engine is going to, on average, get about 40 percent of the business on an annual basis. That's not real competition.

If we want to talk about real competition, then there has to be real winners and losers here. That's not what is going on in the proposal before us. And if this was really about quality and cost, then we wouldn't have two other tactical aircraft programs that have a single engine and also have a near spotless record of performance and cost control.

We know how this works in other major aircraft acquisition programs. Single engines work. They have worked.

I think in the end, though, this is really just about who we listen to. I have great respect for the Members of this Congress who have served for years on the Armed Services Committee; but I think that when we get such unanimity of opinion, such uniformness of opinion from our military generals, from the Department of Defense, and the men and women who are going to be flying these planes, we should listen.

We should listen because it's the right thing to do for them, and we should listen because $3 billion isn't

easy to cut out of the budget. But it's a lot easier when we have the people that are going to be handling the aircraft and the equipment telling us it's the right thing to do. I rise in support of the amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to this amendment.

This amendment is contrary to the interests of taxpayers and our military. It is not a cost-saving amendment. It is an anti-competition amendment. Therefore, it will cost us more money in the long run.

It is recognized that the Department of Defense suffers from a lack of competition and acquisition process. Sole-source contracts already account for $140 billion, or 38 percent, of the $366 billion that DOD spent on contracts in fiscal year 2010.

We know from experience that competing the engine on the F–35 is likely to both save money and improve the performance on both engines. It's not me saying that; the GAO and DOD's own internal studies have said it.

DOD says it will cost $2.9 billion to develop an alternative engine, although GAO says it may be much less. The F–35 will cost about $100 billion. GAO's analysis suggests a savings of about 20 percent in procurement, with an additional savings over the life cycle of the programs. The alternative engine would more than pay for itself in future savings, even putting aside the potential benefits in performance.

The power of our tactical Air Force is utterly dependent on the success of the F–35 program. The total cost is approaching $400 billion. The air frame and the engine portions of the program have been riddled with cost growth throughout the development effort.

Are we to say that it is unreasonable to spend $450 million to ensure that our fighter pilots have the best aircraft and the best engine possible? I'm convinced that competition will make both engine variants of the F–35 better.

And why do we think DOD can stand on a principle that has been proven over and over again in the marketplace? Competition leads to lower cost and better performance. Our fighters deserve this.

The DOD's position against this engine has been shown to be faulty on analysis and driven only by short-term budget considerations. The independent QDR review panel last year stated: ''History has shown that the only reliable source of price reduction throughout the life of a program is competition between dual sources.''

This amendment ignores that history. It will not save money and risks the combat effectiveness of our Air Force. Mr. Speaker, I oppose the amendment.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Only inside the Washington, D.C. beltway could we be having this debate.

The taxpayers are demanding that we tighten our belts and save money. The Pentagon says, let's go ahead with the single engine procurement, which resulted from a competition, which is a quality engine.

Now, if that engine has problems, someone at the Pentagon should be fired. If there was problems with the original competition, a lot of people at the Pentagon should be fired. And maybe we ought to look at overhauling the procurement process.

But to say now, well, we've got a good engine. They want a competition. But we've got another company that really wishes it had won the competition but didn't win the competition, and now they still want to build an engine and the taxpayers should subsidize it, Which is what this is all about. It only costs $2.9 billion for them to develop an alternative engine. Only $2.9 billion. Inside the Washington, D.C. beltway that's not real money.

I guess the joke is, inside the Washington, D.C. beltway, how many jet engines does it take to fly a single engine fighter? Now, most Americans would think, well, that's probably not a joke, and it would be one. Right? No. It's two.

Now, if we need two on the ground, maybe we need two in the air. Maybe we ought to redesign the plane and put two engines in the tail, one from one company and one from the other. In case one flames out, we've got one left at least to bring the plane back. I mean, if we're so worried about reliability, maybe we just ought to start all over again. Come on, guys. Let's not be ridiculous here.

Two supply chains. Two sets of mechanics. Two sets of spare parts. Oh, wait a minute. This plane broke down over here and the mechanic there and the spare parts are for the other one. Oh, we've got to keep them sorted out by which engine they've got, where they are, where they'll fly in the world, what mission they'll go on, which mechanics we send, which supply chain we send for it.

No, this is not going to save money. This is not going to save money. If you did a crappy procurement, then fix it; but don't say let's do another procurement in the way the Pentagon always does things, which will inevitably be another cost overrun procurement.

So it won't only cost $2.9 billion to develop the alternative engine. We'll hear 6 months from now, a year from now, Oh, well, we thought we could develop an alternative for 2.9, but it will be 10. But don't worry. It will still bring down the overall cost.

Support this amendment. Support common sense. Stand up for the taxpayers, and stand up for the military which says we don't need a second engine for this plane. They are the guys who fly them.

□ 2040

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. ROONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 127, line 17, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

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, $26,742,405,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

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

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to

maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $31,382,198,000; of which $29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which no less than $111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $35,130,000 for activities on military installations and $76,048,000, to remain available until September 30, 2012, to assist State and local governments; $7,132,000 shall be for procurement, to remain available until September 30, 2013; and $392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which $385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $306,794,000, of which $305,794,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $649,732,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

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

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

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

Navy MH–60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these 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. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

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

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

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

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

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

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,048,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

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

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means 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. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial 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. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

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

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $86,300,000;

''Other Procurement, Army, 2009/2011'', $147,600,000;

''Aircraft Procurement, Navy, 2009/2011'', $26,100,000;

''Aircraft Procurement, Air Force, 2009/2011'', $116,900,000;

''Aircraft Procurement, Army, 2010/2012'', $14,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000;

''Missile Procurement, Army, 2010/2012'', $9,171,000;

''Aircraft Procurement, Navy, 2010/2012'', $184,847,000;

''Procurement of Ammunition, Navy and Marine Corps, 2010/2012'', $11,576,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000;

''Other Procurement, Navy, 2010/2012'', $9,042,000;

''Aircraft Procurement, Air Force, 2010/2012'', $151,300,000;

''Other Procurement, Air Force, 2010/2012'', $36,600,000;

''Research, Development, Test and Evaluation, Army, 2010/2011'', $53,500,000;

''Research, Development, Test and Evaluation, Air Force, 2010/2011'', $198,600,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2010/2011'', $10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *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. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds 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. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

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

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military

installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

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

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

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. 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. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross; $1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. 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. 8082. 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. 8083. (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. 8084. 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. 8085. 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. 8086. (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. 8087. Of the funds provided in this Act, $7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. 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. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8094. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8095. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8096. 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. 8097. 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. 8098. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8099. The amounts appropriated in title II of this Act are hereby reduced by $1,983,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From ''Operation and Maintenance, Army'', $700,000,000; and (2) From ''Operation and Maintenance, Defense-Wide'', $1,283,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. 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. 8101. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8102. 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. 8103. (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. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment,

that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8105. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

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

SEC. 8106. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

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

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

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Navy'', not less than $2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Air Force'', not less than $2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. 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. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for ''Operation and Maintenance, Defense-Wide'' for energy security pilot projects under subsection (a).

SEC. 8117. 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. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C–130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as ''MAFFS''), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C–130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C–130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C–130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C–130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C–130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C–130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8119. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about February 16, 2011, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000: *Provided*,

That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom; and

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the

Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 95 OFFERED BY MR. JONES

Mr. JONES. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 127, line 23, after the dollar amount, insert ''(reduced by $400,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $400,000,000)''.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, this amendment removes the new $400 million Afghan Infrastructure Fund and it would be returned to the spending reduction account.

I bring this amendment to the floor because of the frustration of the American people. Here we are trying to find $400 million to put in an infrastructure fund for Afghanistan, which is going to be borrowed money from the Chinese to begin with. It's not even Uncle Sam's money. And then in addition to that, we're propping up a corrupt, dishonest government headed by President Karzai. At this time in America's history when we are having these debates tonight that I've heard all day long with the frustration of the Members of Congress from both parties that here we cannot even balance the budget of this country and we're trying to find this money to go to the infrastructure of Afghanistan and we're going to say to the American people, we can't help you with your infrastructure needs in your counties, in your towns, in your cities, it makes absolutely no sense to me, and more important than me is to the American people.

I would also like to mention that the Afghan Infrastructure Fund would help create another ''bridge to nowhere.'' It's going to be money that cannot even be accounted for the majority of the time, and I make mention of that for this reason. The recent Special Inspector General for Afghanistan Reconstruction report released on January 30, 2011, cited significant fraud, waste and abuse with Afghanistan reconstruction funds.

I do not know why in the world we cannot make the statement to the American people that we're going to see that the $400 million going to a dishonest, dysfunctional government overseas cannot be returned to help reduce the debt and deficit of this country or even returned to the cities and counties throughout the country of America.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Eliminating the $400 million Afghanistan Infrastructure Fund is ill-conceived and unwise. This fund provides funding for high-priority, large-scale infrastructure programs in support of the civil-military campaign in Afghanistan. These projects are critical to convincing the Afghan population to reject the insurgency and side with the Afghan Government. This in turn significantly reduces the threat to our troops and quickens the security transition process, which we all seek.

Not only is this funding a top priority of the Secretaries of State and Defense, it is also a top priority of General David Petraeus. This fund is so directly related to the safety and security of our troops that it needs to be preserved, and thus I urge a ''no'' vote on the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment would eliminate all funding in the bill for the Afghan Infrastructure Fund—a total of $400 million. Establishing the fund at this level of funding was done at the request of the Secretary of Defense and the Secretary of State in a joint letter to the congressional defense committees in November 2010.

The funding was not added to the bill. It was derived by reducing the amount available for the Commanders Emergency Response Program. DOD requested that funding for this account be obtained in this manner. The Departments of Defense and State view this fund as essential to completing large scale infrastructure projects in Afghanistan, such as electrical power generation. Such projects provide the means for economic activity which will help to reduce risk for U.S. troops and help improve security in Afghanistan.

I urge rejection of this amendment.

Mr. THORNBERRY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, the reason we have troops in Afghanistan is to prevent Afghanistan from again becoming a sanctuary from which terrorists will launch attacks against us. For us to one day be able to withdraw our troops from Afghanistan, the Afghan people have to be able to stand on their own two feet, and this fund is designed to help them do that.

The people there have to be able to resist the Taliban, al Qaeda and other groups that want to undermine their security and use Afghanistan once again as a terrorist base. This program, as has been mentioned, is a very high priority of our own military commander in Afghanistan, General Petraeus. Part of the reason it's one of his priorities is, as the gentleman from New Jersey said, this helps keep our own troops safe. When we are able to work with the Afghan people and develop the country, our troops in the country have a less danger opposing them. It is less likely that they will suffer some of the problems from the indigent population.

But the second reason General Petraeus believes this is very important is that it's an integral part of his counterinsurgency campaign plan. So to withdraw this money at this point makes his job more difficult and increases the danger to our troops. I don't think that makes sense at any level.

The other point I would make is this: As the gentleman from Washington said, this was a request from the Secretary of State and Secretary of Defense for a fund that both agencies would work on. One of these days this government is going to have to get to interagency funds so that you don't have the State Department working on one hand, the Defense Department on another, other agencies doing their own thing. We have to have a combined effort, and this fund is at least a step in that direction. The interagency nature of it helps to prevent waste, abuse and misuse of these funds because you do have the extra oversight on its use. But I think the key point is—this is a question of our national security to help the Afghans stand on their own two feet, and I believe the amendment should be rejected.

I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Thank you, Mr. Chairman.

First, I believe my friend from North Carolina does have the best intentions at heart. I believe he is doing this for the right reason. He wants to get out of

Afghanistan and he believes that Afghanistan is a very corrupt country with very corrupt leadership. The problem is, is that things in this world aren't perfect. I served for 6 months in the Marine Corps in Afghanistan in 2007. I didn't do anything of significance, but when I was there I saw what really turned the people of Afghanistan towards America, what made them turn around, what made them change their mind. It wasn't us killing people who cause us to stay up at night and worry about them. That's what we're worried about. What the Afghans are worried about is, will they have electricity? Can they drive on the roads? Can they put fruit in their Mack truck and drive it 20 miles and sell it at the next town? Do their lights work? Is their trash getting picked up? Is their sewer getting cleaned out? General Petraeus understands this is counterinsurgency. That's what counterinsurgency means.

□ 2050

I want to get out of Afghanistan, too. It is an expensive war in blood and treasure, but it is a war that was not started by us. It was started by two airplanes flying into two towers. And 9/11 has cost us more than Afghanistan ever will in what it has done to this Nation, making us second guess who our friends are, sending us to Afghanistan.

I would ask my friend from North Carolina this, and I am going to yield the balance of my time to my friend from North Carolina: If we are not the ones helping out the Afghan people, I will tell you who it is going to be—the Taliban. The Taliban are the bankers of Afghanistan. They have drug money and they use it to loan to the locals in Afghanistan. So if we don't help them out, if we don't become their friends, if we don't befriend the people, the counterinsurgency doesn't work.

I think that my friend, if he knew that we would leave quicker, we would leave Afghanistan in victory quicker by keeping this money there, I think he would withdraw his amendment.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman for yielding.

I would say if I thought Karzai was an honest man that would appreciate the American taxpayers' money, I would feel differently, quite frankly. But I realize it is a corrupt government. I wish that what you say was so. And I trust you. I have great respect for you as well, but we are dealing with a dishonest, dysfunctional government.

When Karzai was quoted in The Washington Post in December saying, ''I have three enemies, one being America, one being the Taliban, one being the international community, and if I had to choose one of these as a friend, I would choose the Taliban,'' this is why I wanted to speak tonight, to bring this forward and let the Members vote this up or down. That is fine with me.

The point is this is money we could be using right here in this country. If I thought Karzai was an honest broker, I would probably not even offer the amendment.

Mr. HUNTER. Reclaiming my time, this is an interagency fund, DOD, State Department, USAID, different American agencies. They are going to be the ones distributing this money. I doubt Karzai ever sees this money, as it would go straight to contractors, either Afghan or from here, from the U.S., or other countries.

I yield to the gentleman.

Mr. JONES. My answer to that would be that I would hope that this would prove to be true. But the problem is we always know that when you have got a dysfunctional government, you have got a dishonest man, it might be intended to go this way, but too many times it does not.

I would honestly say to you that I offer this amendment on behalf of the American people, because they can't fix their streets, they can't fix their roads. And, by God, it is only $400 million, but to a lot of people in my district, that is a lot of money going to a dishonest leader of a country in Afghanistan.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, $400 million is a lot of money, and Americans do need that money. But I would answer that with this: The men and women that have given their lives over in Afghanistan, the men and women, as you well know, representing Camp Lejeune and all of those marines, the men and women that have given their time and their blood for this country I think deserve to be backed up by us by saying we are going to give the money to your boss, General Petraeus, so we can win the war and leave victoriously, and I think that is what I think this $400 million does.

With that, I oppose the gentleman's amendment.

Mr. CONYERS. Mr. Chair, I rise in strong support of the amendment offered by my friend, Mr. JONES of North Carolina. This amendment would cut $400 million in funding for the Afghanistan Infrastructure Fund. I support this cut not because I am opposed to providing humanitarian aid to other countries. To the contrary, I am very supportive of helping improve living conditions and human rights in countries around the world by investing in infrastructure. However, I have strong concerns about this important work being directed by our armed forces because it raises the specter of the ''militarization'' of our foreign aid, which can often place troops, aid workers, and the civilian population at risk.

In a January 2010 report, eight international agencies expressed their concern that the militarization of aid in Afghanistan is putting ordinary Afghans at risk when they build schools and clinics, which then become targets of insurgents.

Additionally, many agencies say that these ''quick impact'' projects do not contribute to sustainable development, but instead are used as a good will building exercise by military forces engaged in a failing counterinsurgency strategy.

Under the current system, distribution of aid is heavily biased in favor of areas where the troop presence is strongest rather than distributed according to need. The needs of people in more secure areas and vulnerable populations, particularly Afghans displaced by the conflict and other factors as well as returnees, are being overlooked. We need to rethink our country's militarized approach to aid and shift our focus towards a long-term aid strategy based on meeting the real needs of Afghans.

As a first step in this process, I encourage my colleagues to support this amendment.

Mr. HUNTER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13

(111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 237 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 24, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, I offer an amendment to eliminate the $1.5 billion in funding for the Iraqi Security Forces Fund.

If we are going to be cutting Pell Grants and energy research and heating assistance for families here in the United States, we certainly should take a hard look at Pentagon spending as well. Would taxpayers want their dollars to go to pay for Iraqi police on the streets of Baghdad when we are cutting funding for police in Trenton, New Jersey, and other cities and towns across our Nation? I want my colleagues to understand what the authors of H.R. 1 are proposing here today. It is about choices.

My colleagues, I am sure, could present a good justification for funding Iraq Security Forces. I certainly want to see the people of Iraq living in peace and freedom, free from harm, either domestic or foreign harm. However, the Government of Iraq has ample revenue from oil sales to pay for Iraq security. In contrast, our country faces not only a budget deficit, but critical unmet domestic needs, and this legislation before us today makes many, many unwise cuts.

H.R. 1 calls for spending $1.5 billion in taxpayer money to pay for foreign police officers in Iraq while simultaneously cutting $300 million for the highly successful COPS program here at home. The COPS program is vital. Our local police departments count on it to help them hire additional officers to combat crime in our communities and to provide true community policing. The contrast couldn't be more stark and absurd; have American taxpayers foot the bill for police in Baghdad but not for police in America.

H.R. 1 showcases the misguided priorities of the new majority. What are they thinking?

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to my colleague from New Jersey's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The Iraqi Security Forces Fund is required to enable the Iraqi Security Forces to reach minimum essential capabilities. These capabilities will allow those forces to maintain internal security with police forces in the lead and defense forces in support while building foundational capabilities for the Iraqi military forces to provide external defense prior to U.S. forces' departure on 31 December 2011.

This is our Nation's commitment, our President's commitment, our Commander-in-Chief's commitment. It is a bipartisan commitment. It is more than just this majority's commitment to see the departure of our U.S. forces in that time frame.

This Iraqi Security Forces Fund funds the following five categories:

Equipment purchases and transportation of equipment, weapons, ammunition, vehicles, communications gear and spare parts;

Infrastructure projects such as construction and improvements of police stations, military bases, training centers, maintenance facilities, and border enforcement facilities, among other infrastructure;

Training and operations projects and programs such as training school and maintenance facilities, vehicles for training centers, and training of security forces;

Sustainment of security forces through maintenance programs, human resources, information management systems, support service, and medical services;

Other activities such as detainee operations, disarmament, demobilization, and reintegration.

These are essential to speed our departure from Afghanistan. So, Mr. Chairman, I urge my colleagues to vote ''no'' on Mr. HOLT's amendment.

I yield back the balance of my time.

□ 2100

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,269,549,000, to remain

available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which

$1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $500,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from

other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

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

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, $3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in ''Operation and Maintenance, Army'' for additional activities to carry out projects under paragraph (a).

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 154, line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the ''Department of Defense Appropriations Act, 2011''.

AMENDMENT NO. 45 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A, insert the following:

SEC. ____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced by a pro rata amount so that the total reduction resulting from the application of this section is $1,000,000,000.

Page 287, line 12, after the dollar amount, insert ''(increased by $1,000,000,000)''.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. BALDWIN. Mr. Chairman, I rise today in support of my amendment and in opposition to H.R. 1, the Republican bill to slash services to the American people—a measure that I believe threatens jobs and our fragile economic recovery.

I agree with my Republican colleagues that we must reduce the deficit and bring our budget into balance, but we must be smart about it. This bill harms the people who tend to our health, those who educate our children, and those who patrol our neighborhoods and protect our safety. This bill frustrates our economic recovery by making job training and career training unattainable for many Americans. Meanwhile, it does little to restrain excessive military spending or eliminate government handouts to Big Oil or eliminate tax breaks for multimillionaires.

Today, we spend millions of dollars each day in Afghanistan and Iraq, spending that is protected in the bill that is before us. At the same time, this Republican bill to slash services cuts Community Health Centers to the core. For those of you who are unfamiliar with the work of Community Health Centers, they provide essential health services to children and families who lack insurance and have extremely limited incomes. Community Health Centers provide a big bang for the buck. They tend to the health care needs of more than 17 million uninsured or underinsured men, women, and children in America each year.

The cut in the Republican bill before us is so deep that it will result in the elimination of services to more than half of the current capacity of Community Health Centers today to serve our neighbors. An estimated 127 new health centers in underserved areas will close across the United States. In some communities, patients with diabetes, heart disease, HIV and AIDS, pregnant women, and sick children will have nowhere to turn except perhaps emergency rooms ill-suited to their needs.

Thousands of health care workers in rural and urban underserved communities will lose their jobs. I've already heard from the Director of Community Health Centers in both Beloit and Janesville, Wisconsin. He let me know about the serious impact this slash of funding will have on thousands in just one Wisconsin county.

Mr. Chairman, my amendment restores Community Health Center funding, but I pay for it with a commensurate cut in wasteful defense spending. I said at the outset we need to be smart if we are to cut spending without compromising our jobs, our economic recovery, and our future.

I agree with our President when he said, if we are to ''win the future,'' we must out-educate, out-innovate, and out-build the rest of the world. But we can't do that by cutting Pell Grants for students and slashing the research budgets of the National Institutes of Health, the National Science Foundation, and the Department of Energy.

This unwise bill jeopardizes our Nation's recovery and future. And it's particularly troublesome to me this week because it falls on top of efforts by Wisconsin's Governor to cut health, education, and public safety services and to diminish the rights of the public servants who provide them.

Mr. Chairman, I stand here today in solidarity with my fellow Wisconsinites as I fight for a better future for all Wisconsinites and all Americans. I urge an ''aye'' vote on my amendment and a ''no'' vote on H.R. 1.

Mr. DICKS. Will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Washington.

Mr. DICKS. I just want to say that I share your enthusiasm for Community Health Centers. I've seen them all across my district. They are wonderful. We're going to have to keep fighting for them.

Ms. BALDWIN. I thank the gentleman.

I yield back the balance of my time.

POINT OF ORDER

The Acting CHAIR. The gentleman from New Jersey will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment is proposed to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to transfer between subcommittees.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Ms. BALDWIN. Mr. Chairman, I do rise to be heard on the point of order.

Mr. Chairman, here are the rules of the House for the 112th Congress. Accompanying it, we also have something called H. Res. 92. Oftentimes when we get to the floor, we talk in inside-the-Beltway language that's really hard, I think, for the American public to follow. But I just want to make clear that H. Res. 92 is a document drafted by the Republicans to govern debate on this bill, and this bill only. But our House rules specifically allow an amendment such as the one that I have presented to this body and was just debating a moment ago on the House floor. And I think it's a wise rule because it really helps us pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. The underlying House rules specifically permit an amendment such as the one I've offered and earlier debated in front of this body because it allows us to cut spending in one area in order to restore services or programs of greater priority in another. In other words, it aids us in our job to pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. Under the rules of this House, my amendment would be fine. In the House Resolution 92, to which the gentleman referred, which governs simply the debate that we're engaged in this evening, it waives the rule of the House. It waives the rule of the House, the people's House. So I just want to make it clear—I think I know how the Chairman will end up ruling—but that this is the Republicans' will that I cannot advance this amendment and not because of the underlying rules of this House.

The Acting CHAIR. Does any other Member wish to be heard?

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from Wisconsin proposes also another kind of change in the bill; namely, to reach back in the reading, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

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

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(5) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(6) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(7) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(8) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) For purposes of this division, the term ''level'' means an amount.

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 1102. Appropriations made by section 1101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 1103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101(a) shall continue in effect through the date specified in section 1106.

SEC. 1105. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 1106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 1108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) ''Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners'', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $41,000,000, to remain available until expended.

(2) ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid'', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $86,445,289,000, to remain available until expended.

(3) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs'', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,200,000,000, to remain available until expended.

(4) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency'', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,850,000,000.

(5) ''Social Security Administration, Supplemental Security Income Program'', for benefit payments under title XVI of the Social Security Act, $13,400,000,000, to remain available until expended.

SEC. 1110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 1111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term ''earmark''

means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1112. Notwithstanding section 1101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this 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. 1113. (a)(1) Notwithstanding section 1101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective 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) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that 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—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) 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;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective 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 the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is 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 effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) 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. 1114. (a) Notwithstanding section 1101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct 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. 1115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 1116. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law 111–83, shall be applied by substituting the date specified in section 1106 of this division for ''October 4, 2010''.

SEC. 1117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 1106 of this division for ''September 30, 2010''.

SEC. 1118. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010''.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in subparagraph (B).

SEC. 1119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 1106 of this division.

SEC. 1120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 1106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

TITLE II—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SEC. 1201. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Secretary'' shall be $5,061,000.

SEC. 1202. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Tribal Relations'' shall be $0.

SEC. 1203. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, Office of Chief Economist'' shall be $10,032,000.

SEC. 1204. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, National Appeals Division'' shall be $14,711,000.

SEC. 1205. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, Office of Budget and Program Analysis'' shall be $9,054,000.

SEC. 1206. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Advocacy and Outreach'' shall be $0.

SEC. 1207. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Chief Information Officer'' shall be $17,000,000.

SEC. 1208. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Chief Financial Officer'' shall be $5,954,000.

SEC. 1209. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Civil Rights'' shall be $21,551,000.

SEC. 1210. Notwithstanding section 1101, the level for ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments'' shall be $259,751,000, of which $178,470,000 shall be available for payments to the General Services Administration for rent and of which $37,781,000 shall be for buildings operations and maintenance expenses.

SEC. 1211. Notwithstanding section 1101, the level for ''Agricultural Programs, Hazardous Materials Management'' shall be $0.

SEC. 1212. Notwithstanding section 1101, the level for ''Agricultural Programs, Departmental Administration'' shall be $30,706,000.

SEC. 1213. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Assistant Secretary for Congressional Relations'' shall be $3,877,000.

SEC. 1214. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Communications'' shall be $9,514,000.

SEC. 1215. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Inspector General'' shall be $80,000,000.

SEC. 1216. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the General Counsel'' shall be $39,620,000.

SEC. 1217. Notwithstanding section 1101, the level for ''Agricultural Programs, Economic Research Service'' shall be $79,500,000.

SEC. 1218. Notwithstanding section 1101, the level for ''Agricultural Programs, National Agricultural Statistics Service'' shall be $151,565,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$33,494,000'' for ''$37,908,000''.

□ 2120

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 172, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1219. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Research Service, Salaries and Expenses'' shall be $1,065,406,000.

SEC. 1220. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Research Service, Buildings and Facilities'' shall be $0.

SEC. 1221. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'' shall be $647,993,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$221,763,000'' for ''$215,000,000''; by substituting ''$34,816,000'' for ''$29,000,000''; by substituting ''$51,000,000'' for ''$48,500,000''; by substituting ''$227,801,000'' for ''$216,482,000''; by substituting ''$0'' for ''$89,029,000''; by substituting ''$20,500,000'' for ''$18,250,000''; and by substituting ''$11,253,000'' for ''$45,122,000''.

SEC. 1222. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'' shall be $453,265,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$267,673,000'' for ''$297,500,000'' and by substituting ''$8,565,000'' for ''$20,396,000''.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1223. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Integrated Activities'' shall be $24,874,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$15,044,000'' for ''$45,148,000''; by substituting ''$10,948,000'' for ''$12,649,000''; by substituting ''$0'' for ''$14,596,000''; by substituting ''$0'' for ''$4,388,000''; by substituting ''$0'' for ''$1,365,000''; by substituting ''$0'' for ''$3,054,000''; by substituting ''$0'' for ''$5,000,000''; by substituting ''$0'' for ''$3,000,000''; by substituting ''$0'' for ''$732,000''; and by substituting ''$0'' for ''$1,312,000''.

AMENDMENT NO. 97 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 172, line 25, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 8, after the first dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 14, after the dollar amount, insert ''(reduced by $5,000,000)''.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. At this point, Mr. Chair, I would like to bring to the attention of the Congress that we're about to eliminate a program which is incredibly cost effective, which truly supports a growing proportion of profitable small family farms in America, which is to help with research and transition to organic production.

In the most recent statistics, the organic sector of the agriculture production in this country was nearly $27 billion. That's up from $4 billion in 1997. There are over 14,500 family farms engaged in organic agriculture, and they have been experiencing dramatic increases. Now you might say, well, why would we want to continue to research and help them. Well, we're spending a tremendous amount of money in research and subsidies on other crops which are obviously totally developed and do not need assistance.

In this case, we're talking about many people who own struggling family farms who want to convert. They're interested in moving to organics because they know there is potential for higher profitability with those products with dramatically increasing demand. In fact, the USDA says that the average for small—these are truly small farms, not what some people consider small farms—organic farms was $46,000 last year and for all farms, small farms, was $26,000.

So there are many people who are engaged in truly small farming activities who want to stay on the land, don't want to parcel it up, don't want to sell to the developers. They want to continue to live there, raise their kids there, but they're having trouble making ends meet. And this is an opportunity for many folks, an opportunity both for consumers who are demanding organically produced produce and for producers, and I think it would be very shortsighted to zero out this program at this point in time.

So I'm asking that we take a very small percentage of the APHIS budget, well less than 1 percent, and at least on a temporary measure restore the cuts to the transitional and organic research portion of the budget in the hope that we can reach agreement on a sustainable way to fund this program in the future and look at more equitable distribution of funds, both for research and subsidies and other things that go on in the Department of Agriculture.

The amount of money we're asking for here at $5 million is a tiny fraction of 1 percent of the amount of money that we're spending on subsidies for five crops in eight States to pay people not to grow things. Now, I think to actually help people to grow things, to grow healthy produce, to supply the American people, to be able to live on their farms, support their families and pass on the farms to the next generation, that this would be a very, very wise investment, and I wish that this had not been chosen for a cut. I'm hopeful that my colleagues will see the wisdom in restoring this cut and then looking in the next farm bill or in the next appropriation to an equitable division of these funds.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I rise to oppose the amendment, although I know the two authors of this amendment are very sincere about it, and I think that they are underscoring something that we want to encourage people to be organic farmers.

But if you consider that organic farming is a $25 to $27 billion industry—in fact, my friend Mr. DEFAZIO just used the number $27 billion—it is a successful ongoing and growing industry already, and I do not believe that we need to continue the transition subsidy program to get more farmers in it. American farmers know where the profit is. They follow the commodity. The commodity follows the profit. They get into an area where it is going to be most profitable already.

But I'm also concerned that the Animal and Plant Health Inspection Service has already been cut $38 million, and this is a service that enforces animal welfare, pest, and diseases. It is very important to all farmers. It is cut at this point 4.3 percent, and I hate to see an additional $5 million taken out of it.

So while I have sympathy for what the gentlemen are trying to do—and I know that they are great advocates for organic farmers—I oppose the amendment at this time.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Our colleagues may recall that Mr. DEFAZIO and I and others offered essentially this amendment in fiscal year 2007 and it passed, demonstrating the strong bipartisan support in this House for an increase in funding in this program. The $5 million funding level, however, although it was preserved until now, has been completely eliminated by this continuing resolution. In other words, both sides of this aisle have felt that this is worthwhile spending.

Despite the worst economic downturn we've experienced since the Depression, the market for organic consumer products grew more than 5 percent in the past year, well several times the growth of conventional food sales, and growth in organic nonfood items was even more pronounced, increasing more than 9 percent as compared to 1 percent in conventional nonfood items.

Now, my friend who just spoke in opposition to the legislation, Mr. KINGSTON, said, well, it's a booming industry, why do we need to do this? Well, transition from nonorganic farming to organic farming is a big step, especially for a small farm, and although there are more than 13,000 certified organic producers in the United States, that's not enough. We still need to help farmers make the transition to organic farming, and this program does more than help them make transition. It helps build an understanding of best practice.

The organic transition program is a highly competitive grants program. It's been extremely important to the organic farming community. It funds research to assist the farmers in overcoming the barriers to make the transition and, as I say, to understand organic farming. Through grants awarded under this program, for example, projects were funded at Ohio State to study the impact of organic animal production on water quality or grafting to improve organic vegetable production. The small farmers don't have the opportunity to do this research as they are facing the big step of whether to make the transition to organic farming.

□ 2130

At the University of Minnesota, this competitive grants program facilitated organic poultry production and helped achieve soybean aphid suppression using a fall-seeded rye cover crop. In other words, the organic industry really benefits from this.

We should be talking about job creation. The bill before us today, as it appears, will cost hundreds of thousands of jobs—cost hundreds of thousands of jobs. It will end hundreds of thousands of jobs. We should focus our resources on industries that are growing and providing jobs. This quite small restoration of funds, $5 million, would do a great deal for the quality of life of farmers but also for jobs in America.

I urge my colleagues to support this amendment to restore $5 million to the organic transitions program.

I yield back the balance of my time.

Mr. FARR. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chair, I was going to speak on this, but let me tell you why I changed my mind. First of all, I represent the largest number of organic growers in the United States and the headquarters of Earthbound Farm, which is the largest shipper of organic produce in the United States. And what concerns me is that you totally wiped out the program, zeroed it out.

It is organic transition grants. One, they are competitive because they are grants. Two, it's about people transitioning from traditional agriculture, which is agriculture that uses pesticides, herbicides, and so on, into organic, where you have to lay your land fallow, which means that you can't, for 3 years, use any of those fumigants on your land. That is what this money goes to, to help you transition.

It is not major agriculture that needs these transition grants. It's the really small farmer who finds, as was stated previously, an organic niche that they want to sell to, and they need some assistance both in research and how do you get certified. Because in order to be organic, you have to go out there and have people test everything and be certified as organic before you are allowed to use the ''organic'' label on your marketing.

So it's a small amount of money, but to zero it out I think is just going too far. I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1224. Notwithstanding section 1101, the level for ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'' shall be $829,953,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$45,219,000'' for ''$60,243,000''.

SEC. 1225. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Marketing Service, Marketing Services'' shall be $81,711,000.

SEC. 1226. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Marketing Service, Limitation on Administrative Expenses'' shall be $60,947,000 (from fees collected).

SEC. 1227. The amounts included under the heading ''Agricultural Programs, Agricultural Marketing Service, Funds for Strengthening Markets, Income, and Supply (Section 32)'' in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$10,000,000''.

SEC. 1228. Notwithstanding section 1101, the level for ''Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses'' shall be $40,342,000.

SEC. 1229. Notwithstanding section 1101, the level for ''Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses'', $45,041,000.

SEC. 1230. Notwithstanding section 1101, the level for ''Agricultural Programs, Food Safety and Inspection Service'' shall be $930,120,000.

AMENDMENT NO. 93 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 174, line 17, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 347, strike lines 8 through 10.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, I offer this amendment on behalf of myself, Mr. HOYER, Mr. MORAN, Ms. EDWARDS, and Mr. VAN HOLLEN.

In his final term in Congress, my Republican predecessor Tom Davis helped broker an agreement to boost Metro funding by the Federal, State, and local governments. Under this agreement, the Federal Government would invest $150 million annually, to be matched by Virginia, Maryland, and the District of Columbia. This investment is essential for our region, as it has provided WMATA with funding to begin fixing the safety problems identified by the National Transportation Safety Board, which will cost over $1 billion, cumulatively. It also is essential for the Federal Government to function efficiently, even as the Federal Government fails to pay its fair share compared to local and State funding for Metro. Finally, unlike any other transit system in America, our Metro system serves 12 million tourists annually who come to visit their Nation's Capital.

The Federal Government relies on a functional Metro system. Mr. Chairman, over half of all Metro stations serve Federal offices, and 40 percent of the entire Federal workforce uses Metro to get to work every day. As Congress, itself, noted when passing the National Capital Region Transportation Act in 1960, ''An improved transportation system of the National Capital Region is essential to the continued and effective performance of the functions of the Government of the United States.''

From September 11 to the blizzards of last year, we have learned through hard experience that Metro is essential to move people both through severe weather and emergencies in our region.

President Obama included the $150 million that my Republican predecessor's authorization bill called for in his budget, but the Republican leadership removed it in this continuing resolution.

Perhaps my newer colleagues have not yet had a chance to visit northern

Virginia, where the Metrorail extension to Dulles Airport is spurring billions of dollars in private investment while providing thousands of jobs for the construction workers building the rail line. If my colleagues had visited this project, they might hesitate to eliminate investments like this, which will be repaid many times over by subsequent private investment.

In recognition of the importance of this Metro funding, I introduced an amendment on behalf of my colleagues and myself to restore $150 million in Federal funding which would be matched by State governments. To offset this expense and reduce the deficit, I have proposed offsetting the expense by cutting direct payments to large agribusiness.

As we debate this bill, there are people at work building rail to Dulles; and if the Republican majority succeeds in passing appropriations bills such as this, those transportation projects, jobs, and real estate investments will be a thing of the past. One step we can take to reduce the damage done by this CR is to restore this critical Metro funding.

Mr. HOYER. Mr. Chair, I rise today to support the intent of the Connolly Amendment which seeks to restore $150 million in dedicated Federal funding to "America's Subway"—the Washington Metro—which is otherwise eliminated under the Republican Continuing Resolution.

The Washington Metropolitan Area Transit Authority (WMATA) operates the country's second largest rail system. Every day, that system carries more than a million people—from the Federal employees who keep our government running, to the families from across the country who come to visit their nation's capital. Clearly, the system warrants a strong commitment from the Federal Government.

In 2009, we passed, and the President signed, legislation that provides $1.5 billion in Federal dedicated funding to WMATA over the next 10 years to help meet the capital and infrastructure needs of the 30-year old system. The first installment of this funding—which is being matched by the District of Columbia, Virginia, and Maryland—was appropriated in Fiscal 2010.

This investment is, first and foremost, being used to move forward with the implementation of the recommendations of the National Transportation Safety Board following the horrific Red Line crash which tragically killed 9 people and injured many more. This includes the purchase of the new series 7000 rail cars to replace the oldest cars in the fleet. This funding will also enable Metro to rebuild its core infrastructure, replacing miles of track, switches and fasteners, maintenance work that will help to build a safer, more reliable system.

Eliminating this funding will cause the Federal Government to renege on its statutory commitment to the Metro system, endangers the local match, hampers the ability of Metro to make much needed safety and capital improvements, and puts at risk countless tourists and commuters who ride Metro every day. I urge my colleagues to restore this critical investment in the Washington Metro System.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. KINGSTON. Mr. Chairman, I have a point of order.

The Acting CHAIR. The gentleman will state the point of order.

Mr. KINGSTON. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes a transfer of funds between the subcommittees.

Here's what's going on: You are mixing your operating and your capital funds on this particular account, and this committee does not have jurisdiction over those accounts. And I want to point out that the subcommittee has worked very hard to balance all these very difficult cuts. We're trying to work within our 302(b) allocations. We're in a situation right now, for every dollar that we spend as a U.S. Government, 40 cents is borrowed.

The Acting CHAIR. If the gentleman would confine his remarks to his point of order first.

Mr. KINGSTON. I am speaking to the point of order, and I ask for a ruling of the Chair.

□ 2140

The Acting CHAIR. Does anyone wish to be heard on the point of order?

Mr. CONNOLLY of Virginia. Mr. Chairman, I deeply regret that my colleague would invoke a point of order. As I said, the Metro funding, in this case, talks about difficult decisions. This zeros out the entire Federal amount of subsidy for capital construction and safety improvements from a system that is over 30 years old, reaching capacity, and serves, first and foremost, the Federal workforce.

The Acting CHAIR. Will the gentleman confine his remarks to the point of order.

Mr. CONNOLLY of Virginia. Oh, I thought I was speaking to the point of order and the points made by our colleagues.

The Acting CHAIR. Remarks need to be in reference to the point of order, not the amendment.

Mr. CONNOLLY of Virginia. As I said, Mr. Chairman, I deeply regret the fact that my colleague would cite a point of order on a bill of such importance to the National Capital region.

The Acting CHAIR. Does anyone else wish to be heard?

To be considered en bloc, pursuant to clause 2(f) of rule XXI and section 2 of House Resolution 92, an amendment must propose only to transfer appropriations among objects in the bill and may not address objects within more than one sub-allocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

Because the amendment offered by the gentleman from Virginia proposes to transfer appropriations between objects falling within more than one sub-allocation, it may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will resume reading the bill.

The Clerk read as follows:

SEC. 1231. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Salaries and Expenses" shall be $1,063,558,000.

SEC. 1232. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Grassroots Source Water Protection Program" shall be $4,630,000.

SEC. 1233. The amounts included under the heading "Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account" in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting "$1,975,000,000" for "$2,150,000,000"; by substituting "$475,000,000" for "$650,000,000"; by substituting "$2,544,035,000" for "$2,670,000,000", by substituting "$900,000,000" for "$1,000,000,000"; by substituting "$144,035,000" for "$170,000,000"; by substituting "$0" for "$3,940,000"; by substituting "$110,602,000" for "$150,000,000"; by substituting "$0" for "$75,000,000" the first and second place it appears; by substituting "$0" for "$10,000,000"; by substituting "$38,570,000" for "$32,070,000"; by substituting "$32,870,000" for "$26,520,000"; by substituting "$109,410,000" for "$106,402,000"; by substituting "$34,950,000" for "$35,100,000"; by substituting "$19,920,000" for "$23,902,000"; by substituting "$54,540,000" for "$47,400,000"; by substituting "$0" for "$1,065,000"; by substituting "$0" for "$278,000"; by substituting "$0" for "$793,000"; by substituting "$318,508,000" for "$321,093,000", and by substituting "$305,588,000" for "$313,173,000". Funds appropriated by this division to such heading for farm ownership, operating and conservation direct loans, and guaranteed loans may be transferred among these programs: *Provided*, That the Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

SEC. 1234. Notwithstanding section 1101, the level for "Agricultural Programs, Risk Management Agency" shall be $77,177,000.

SEC. 1235. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Conservation Operations" shall be $836,000,000.

SEC. 1236. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations" shall be $0.

SEC. 1237. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed Rehabilitation Program" shall be $20,000,000.

SEC. 1238. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Resource Conservation and Development" shall be $0.

SEC. 1239. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Development Salaries and Expenses" shall be $181,987,000.

SEC. 1240. The amounts included under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" in Public Law 111–80 for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949 shall be applied to funds appropriated by this division by substituting "$34,004,000" for "$34,412,000" and by substituting, "$5,052,000" for "$5,045,000".

SEC. 1241. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of direct and guaranteed loans, including the cost of modifying loans, authorized by section 502 of the Housing Act of 1949 shall be $70,200,000: *Provided*, That the amounts included for such costs under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$70,200,000'' for ''$40,710,000'' in the case of direct loans and by substituting ''$0'' for ''$172,800,000'' in the case of unsubsidized guaranteed loans.

SEC. 1242. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of housing repair loans authorized by section 504 of the Housing Act of 1949 shall be $6,437,000.

SEC. 1243. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of repair, rehabilitation, and new construction of rental housing authorized by section 515 of the Housing Act of 1949 shall be $23,446,000.

SEC. 1244. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of multi-family housing guaranteed loans authorized by section 538 of the Housing Act of 1949 shall be $12,513,000.

SEC. 1245. In addition to amounts otherwise appropriated or made available by this division, there is appropriated to the Secretary of Agriculture $288,000 for section 523 self-help housing land development loans authorized by section 523 of the Housing Act of 1949 and $294,000 for site development loans authorized by section 524 of such Act.

SEC. 1246. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be $454,383,000.

SEC. 1247. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rental Assistance Program'' shall be $955,635,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$5,958,000''; by substituting ''$0'' for ''$50,000''; and by substituting ''$3,000,000'' for ''$3,400,000''.

SEC. 1248. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Multi-Family Housing Revitalization Program Account'' shall be $16,400,000: *Provided*, That only the first, second, and fourth provisos under such heading in Public Law 111–80, relating to rural housing vouchers to low-income households, shall apply to funds appropriated by this division and the third, fifth, and subsequent provisos under such heading shall not apply to funds appropriated by this division.

SEC. 1249. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants'' shall be $37,000,000.

SEC. 1250. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants'' shall be $40,400,000.

SEC. 1251. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account'' shall be $32,450,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$6,256,000''; by substituting ''$0'' for ''$13,902,000''; and by substituting, ''$0'' for ''$3,972,000''.

SEC. 1252. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Business Program Account'' shall be $84,505,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$500,000''; and by substituting, ''$0'' for ''$250,000''.

SEC. 1253. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Development Loan Fund Program Account'' for the principal amount of direct loans as authorized by Rural Development Loan Fund shall be $21,936,000.

SEC. 1254. Notwithstanding section 1101, in connection with the ''Rural Development Programs, Rural Business–Cooperative Service, Rural Economic Development Loans Program Account'', of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $207,000,000 shall not be obligated and $207,000,000 is rescinded.

SEC. 1255. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Cooperative Development Grants'' shall be $30,254,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$0'' for ''$300,000''; by substituting ''$0'' for ''$2,800,000''; and by substituting ''$18,867,000'' for ''$20,367,000''.

SEC. 1256. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Microenterprise Investment Program Account'' shall be $3,350,000.

SEC. 1257. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Energy for America Program'' shall be $25,010,000.

SEC. 1258. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account'' shall be $405,564,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$60,000,000'' for ''$70,00,000''; by substituting ''$5,000,000'' for ''$6,000,000''; and by substituting, ''$0'' for ''$17,500,000''.

SEC. 1259. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be $38,374,000.

SEC. 1260. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program'' shall be $30,000,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$4,500,000''; by substituting, ''$0'' for ''$28,960,000''; and by substituting, ''$13,406,000'' for ''$17,976,000''.

SEC. 1261. The amounts included under the heading ''Domestic Food Programs, Food and Nutrition Service, Child Nutrition Programs'' in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$1,000,000'' and by substituting ''$0'' for ''$5,000,000''.

SEC. 1262. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' shall be $6,504,781,000.

SEC. 1263. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program'', shall be $241,979,000, of which $151,409,000 shall be for the Commodity Supplemental Food Program: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$6,000,000''.

SEC. 1264. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration'' shall be $144,801,000.

SEC. 1265. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, Salaries and Expenses'' shall be $165,436,000.

SEC. 1266. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, Food for Peace Title II Grants'' shall be $1,003,000,000.

SEC. 1267. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants'' shall be $100,000,000.

SEC. 1268. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses'' shall be $3,307,418,000: *Provided*, That of the amount provided under this heading, $667,057,000 shall be derived from prescription drug user fees authorized by section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), shall be credited to this account and remain available until expended, and shall not include any fees pursuant to paragraphs (2) and (3) of section 736(a) of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed for fiscal year 2012 but collected in fiscal year 2011; $61,860,000 shall be derived from medical device user fees authorized by section 738 of such Act (21 U.S.C. 379j), and shall be credited to this account and remain available until expended; $19,448,000 shall be derived from animal drug user fees authorized by section 740 of such Act (21 U.S.C. 379j–12), and shall be credited to this account and remain available until expended; $5,397,000 shall be derived from animal generic drug user fees authorized by section 741 of such Act (21 U.S.C. 379j–21), and shall be credited to this account and shall remain available until expended; and $450,000,000 shall be derived from tobacco product user fees authorized by section 919 of such Act (21 U.S.C. 387s) and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for fiscal year 2011, shall be subject to the fiscal year 2011 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated under this heading: (1) $727,220,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities

in the Office of Regulatory Affairs; (2) $895,460,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $296,937,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $145,103,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $318,768,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $35,052,000 shall be for the National Center for Toxicological Research; (7) $421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $100,482,000 shall be for Rent and Related activities, of which $22,683,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $182,661,000 shall be for payments to the General Services Administration for rent; and (10) $184,272,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed $25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 1269. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Independent Agencies, Commodity Futures Trading Commission'' shall be $112,000,000, to remain available until September 30, 2012: *Provided*, That the proviso under such heading in Public Law 111–80 shall not apply to funds appropriated by this division.

SEC. 1270. Notwithstanding any other provision of this division, the following setasides included in Public Law 111–80 for ''Congressionally Designated Projects'' in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division:

(1) ''Agricultural Programs, Agricultural Research Service, Salaries and Expenses'', $44,138,000.

(2) ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'', $120,054,000.

(3) ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'', $11,831,000.

(4) ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'', $24,410,000.

(5) ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations'', $37,382,000.

SEC. 1271. Notwithstanding any other provision of this division, the following provisions included in Public Law 111–80 shall not apply to funds appropriated by this division:

(1) The first proviso under the heading ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments''.

(2) The second proviso under the heading ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations''.

(3) The second proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account''.

(4) The first proviso under the heading ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program''.

(5) The first proviso under the heading ''Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants''.

SEC. 1272. Sections 718, 723, 727, 728, 738, 739, and 741 of Public Law 111–80 shall be applied to funds appropriated by this division by substituting $0 for the dollar amounts included in those sections.

SEC. 1273. Sections 715, 716, 721(2), 721(3), 724, 725, 726, 729, 730, 734, 735, 743, 745, and 748 of Public Law 111–80 shall not apply for fiscal year 2011.

SEC. 1274. Sections 737, 740, 747, and 749 of Public Law 111–80 authorized or required certain actions that have been performed before the date of the enactment of this division and need not reoccur.

SEC. 1275. Appropriations to the Department of Agriculture made available in fiscal year 2005 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations made in fiscal years 2005 and 2006.

SEC. 1276. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation: (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 1277. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 1278. Section 721(1) of Public Law 111–80 (123 Stat. 2122) is amended by striking ''$1,180,000,000'' and inserting ''$1,238,000,000''.

SEC. 1279. Section 742 of Public Law 111–80 (123 Stat. 2128) is amended by striking ''$11,000,000'' and inserting ''$15,000,000''.

SEC. 1280. The following provisions of Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''2010'', ''2011'', and ''2012'' for ''2009'', ''2010'', and ''2011'', respectively, in each instance that such terms appear:

(1) The second paragraph under the heading ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses''.

(2) The second proviso under the heading ''Agricultural Programs, Food Safety and Inspection Service''.

(3) The first proviso in the second paragraph under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account''.

(4) The fifth proviso under the heading ''Rural Development Programs, Rural Housing Service, Rental Assistance Program''.

(5) The proviso under the heading ''Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants''.

(6) The first proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants''.

(7) The seventh proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account''.

(8) The third proviso under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account''.

(9) The four availability of funds clauses under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account''.

(10) The fifth proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account''.

(11) Sections 713, 717, 732, and 746.

SEC. 1281. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 202,218 acres in fiscal year 2011: *Provided*, That such program shall be permanently reduced by 47,782 acres.

SEC. 1282. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security Act of 1985 (16 U.S.C. 3838d–3838g) in excess of $649,000,000.

SEC. 1283. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012): *Provided*, That of the funds available under such section for fiscal year 2011, $165,000,000 is rescinded.

SEC. 1284. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to transfer in fiscal year 2011 to the Administrator of the Food and Nutrition Service under subsection (b) of section 14222 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2245) an amount in excess of $1,098,000,000: *Provided*, That none of the funds made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) utilizing funds otherwise required to be made available under subsection (i)(1)(D) of such section 19 in excess of $33,000,000, including the transfer of funds under subsection (c) of such section 14222, until October 1, 2011: *Provided further*, That the remaining $117,000,000 of the amount specified in subsection (i)(1)(D) of such section 19 made available on October 1, 2011, to carry out such section 19 shall be excluded from the limitation described in subsection (b)(2)(A)(iv) of such section 14222 for fiscal year 2012.

SEC. 1285. None of the funds appropriated or made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the

Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of $112,000,000.

SEC. 1286. Of the unobligated balances available for ''Agricultural Programs, Agricultural Research Service, Buildings and Facilities'' $223,700,000 is rescinded.

SEC. 1287. Of the unobligated balances available for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act of 1936, $15,000,000 is rescinded.

SEC. 1288. (a) Notwithstanding this Act or any other Act, of the unobligated balances available to the Department of Agriculture from prior appropriations, $585,000,000 in appropriated discretionary funds are hereby rescinded.

(b) The Secretary of Agriculture shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of both Houses of Congress and the Secretary of the Treasury of the accounts and amounts determined and identified for rescission under the preceding sentence: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

SEC. 1301. Notwithstanding section 1101, the level for ''Department of Commerce, International Trade Administration, Operations and Administration'' shall be $450,989,000.

SEC. 1302. Notwithstanding section 1101, the level for ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs'' shall be $175,000,000.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 196, line 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 153 OFFERED BY MR. MICHAUD

Mr. MICHAUD. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 196, line 18, after the dollar amount insert ''(increased by $80,000,000)''.

Page 199, line 6, after the dollar amount insert ''(reduced by $80,000,000)''.

The Acting CHAIR. The gentleman from Maine is recognized for 5 minutes.

Mr. MICHAUD. Mr. Chairman, I rise today to offer this amendment to restore funding to the Economic Development Administration. The investments made by EDA in all of our districts lead to economic development and job creation. But these investments are not just some government handout.

By law, EDA projects require a 50 percent local cost share and must leverage significant private sector investment. EDA's investments are also competitive and based on a regional, comprehensive economic development strategy that are spearheaded by local officials, private sector leaders and community representatives. The agency utilizes this approach to reflect the local and regional priority of our communities. But most importantly, all EDA project investments must result in creation and retention of high-quality jobs.

Let me repeat: EDA is the one agency of the Federal Government that has a singular focus of creating jobs, and it has a strong track record of success in my home State of Maine and throughout the country.

□ 2150

In fact, from 2004 to 2008, EDA-funded projects directly led to the creation of approximately 200,000 jobs.

All of us support cuts to spending to get our fiscal house in order, but we all are realistic. We know that actions of one program or agency won't be enough to solve the Nation's job problems. But at a time when our States, local communities, and businesses continue to struggle, it is the wrong time to be cutting a program that is a proven job creator. It's the wrong time to turn our backs on investments in our communities that will make a real difference. But it is the right time to set our priorities and insist that our investments are focused on job creation.

The fiscal year 2010 level was $293 million. The CR cuts it to $175 million. This amendment will actually bring it up to $255 million. So I encourage my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. MICHAUD).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MICHAUD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maine will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1303. Notwithstanding section 1101, the level for ''Department of Commerce, Minority Business Development Agency, Minority Business Development'' shall be $30,400,000.

SEC. 1304. Notwithstanding section 1101, the level for ''Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses'' shall be $40,649,000.

SEC. 1305. Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services'' shall be $469,500,000.

SEC. 1306. Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services'' shall be $169,600,000.

SEC. 1307. Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Pacific Coastal Salmon Recovery'' shall be $50,000,000.

SEC. 1308. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, National Drug Intelligence Center'' shall be $34,023,000.

AMENDMENT NO. 368 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 197, line 17, after the dollar amount, insert ''(reduced by $34,023,000)''.

Page 359, line 5, after the dollar amount, insert ''(increased by $34,023,000)''.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It would simply reduce more than $34 million in funding for the National Drug Intelligence Center and transfer that money into the spending reduction account.

In short, the amendment would zero out funding for the National Drug Intelligence Center, which has survived for the past 3 years by way of a very broken earmarking process.

For many institutions, drugs are handled with a zero tolerance policy. I would submit that taxpayers should send a clear signal here that we have a zero tolerance policy for this kind of wasteful spending.

There has been no better example for wasteful spending than the NDIC, an entity I have come to the floor many times within the past to criticize and to limit funding for. Not just me, but many other Members.

A pet project that once belonged to a powerful Member of Congress, the NDIC was established in 1992 and has been the recipient of hundreds of millions of dollars since then.

In 2005, the White House OMB reported that the NDIC ''has proven ineffective in achieving its assigned mission.'' In 2006, a spokesman for the DOJ asserted that the resources of the NDIC should be ''realigned to support priority counterterrorism and national security initiatives.'' And yet, here we are, 5 years later, funding the NDIC in spite of what will be 3 years of trillion-dollar deficits and a skyrocketing national debt.

According to a CQ article from today, even the current administration's Deputy Attorney General James Cole said that many of the center's functions could be performed elsewhere.

The President's budget request was released yesterday; and according to CQ, the NDIC is slated to receive a cut from its current level of funding from $44 million down to $25 million. I submit that that is $25 million too much.

According to the fiscal year 2011 budget summary for the National Drug Control Strategy, we spent more than $15 billion on antidrug and drug-control efforts in fiscal year 2010. Even if

you believe that the NDIC is effective and that it pulls its own weight, the anti-drug effort, like the budget of the Department of Defense, should not be immune from commonsense cuts that increase efficiency, and I can think of few things more efficient than closing down the NDIC once and for all.

Let me just note, The Wall Street Journal said at one point: ''Conservatives have argued that the center is a waste of taxpayer money, and critics argue that it has never fulfilled its promise to provide high-quality analysis of drug networks.'' Again, an internal White House budget proposal aims to save nearly $17 million by downsizing NDIC.

Clearly, clearly, I think everybody admits that there is no reason for this facility to exist anymore and to keep sucking millions and millions of dollars every year from the taxpayer. The White House, successive White Houses, Republican and Democrat alike, have said this is inefficient. It is not filling its mission. So it is up to Congress now, when we're running a $1.5 trillion deficit that stacks up against a $14 trillion debt, to look at programs like this and say, All right. Enough is enough. It's time that we close them down.

So with that, Mr. Chairman, I say let's adopt this amendment. If we can't do this, where can we save money? If we can't close down a center that's received hundreds of millions of dollars that the White House, successive administrations, Republican and Democrat, have said it is duplicative, it is not fulfilling its mission; if we can't close these kind of things down, when are we going to save money?

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I appreciate the gentleman's usual zeal for finding savings in the budget, but I believe his amendment goes too far to achieve savings without considering the impacts.

NDIC plays an important role in analyzing and disseminating information to law enforcement and the intelligence community about the production, trafficking, and consumption of illegal drugs. It produces the annual drug threat assessments, as well as local and regional assessments.

DOJ is proposing a reduced funding level for NDIC in 2012, along with the realignment of some of its functions to the Drug Enforcement Administration. We will have to look closely at that proposal to ensure it would not set us back in dealing with the drug threat. But, in any case, one simply cannot eliminate an agency overnight.

NDIC performs significant functions that are critical to our law enforcement efforts, and those functions can't be simply shut down and transferred without significant planning.

NDIC has been operating under the current CR for several months and has been obligated a significant amount of funding already, so there is no way to cut its funding for the year to zero. In fact, CBO scores the amendment as saving only $16 million in budget authority, not $34 million. I urge my colleagues to defeat this Flake amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 2200

The Clerk will read.

The Clerk read as follows:

SEC. 1309. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Justice Information Sharing Technology'' shall be $78,285,000.

SEC. 1310. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Tactical Law Enforcement Wireless Communications'' shall be $136,143,000.

SEC. 1311. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Detention Trustee'' shall be $1,533,663,000.

SEC. 1312. Notwithstanding section 1101, the level for ''Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities'' shall be $865,097,000.

SEC. 1313. Notwithstanding section 1101, the level for ''Department of Justice, United States Marshals Service, Construction'' shall be $16,929,000.

SEC. 1314. Notwithstanding section 1101, the level for ''Department of Justice, Federal Bureau of Investigation, Construction'' shall be $106,915,000.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. BASS of New Hampshire). Will the gentleman specify which amendment.

Mr. HOLT. Amendment No. 235.

The Acting CHAIR. The Chair will note that the reading has progressed past that point in the bill.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

Mr. ROGERS of Kentucky. Reserving the right to object, Mr. Chairman, as I understand it, the gentleman wants to go back to a section which we have already covered?

The Acting CHAIR. The gentleman is correct.

Mr. ROGERS of Kentucky. Mr. Chairman, in order to move things along, we have to have rules, and I have to object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 1315. Notwithstanding section 1101, the level for ''Department of Justice, Federal Prison System, Salaries and Expenses'' shall be $6,325,231,000.

SEC. 1316. Notwithstanding section 1101, the level for ''Office of Science and Technology Policy'' shall be $6,500,000.

SEC. 1317. Notwithstanding section 1101, the level for ''National Science Foundation, Research and Related Activities'' shall be $5,467,920,000.

SEC. 1318. Notwithstanding section 1101, the level for ''National Science Foundation, Major Research Equipment and Facilities Construction'' shall be $54,790,000.

SEC. 1319. Notwithstanding section 1101, the level for ''National Science Foundation, Education and Human Resources'' shall be $725,760,000.

SEC. 1320. Notwithstanding section 1101, the level for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'' shall be $913,707,000.

SEC. 1321. Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction''; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Construction''; and ''Department of Justice, Office of Justice Programs, Weed and Seed Program Fund''.

SEC. 1322. Notwithstanding any other provision of this division, the following set-asides included in division B of Public Law 111–117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division: (1) ''Department of Commerce, International Trade Administration, Operations and Administration'', $5,215,000; (2) ''Department of Commerce, Minority Business Development Agency, Minority Business Development'', $1,100,000; and (3) ''Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services'', $10,500,000.

SEC. 1323. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this division.

SEC. 1324. Notwithstanding any other provision of this division, the set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses'' for policy studies related to activities of United Nations Specialized Agencies related to international protection of intellectual property rights shall not apply to funds appropriated by this division.

SEC. 1325. Of the amount provided by section 1306 for ''National Institute of Standards and Technology, Industrial Technology Services'', $44,900,000 shall be for the Technology Innovation Program.

SEC. 1326. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'' shall be $58,000,000.

(b) The set-asides included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'' for a competitive construction grant program for research science buildings and for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

AMENDMENT NO. 260 OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 260: Page 200, line 25, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 359, line 5, after the dollar amount insert ''(increased by $10,000,000)''.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATTA. Mr. Chairman, my amendment would reduce spending for the Department of Commerce under the National Institute of Standards and Technology construction of research facilities account by $10 million and transfer those funds to the spending reduction account. This program provides government money for construction of research science buildings. Currently, H.R. 1 funds the technology construction of research facilities account at $58 million and this amendment would reduce it to $48 million. While scientific research is important, when our nation is experiencing massive deficits, we have to make these difficult cuts.

With a forecasted deficit of $1.6 trillion this year and the national debt scheduled to triple in 10 years, I am simply proposing cutting spending from a program that received over $123 million in increased funding in the stimulus. The President released his budget proposal this week which reflects a pattern of record spending, and even higher taxes. This continued spending is funds that the U.S. Government does not have, as we continue to borrow from other countries. During the last session of Congress alone, the President signed into law over $1.8 trillion in new government spending and over $670 billion in new job damaging tax hikes. My $10 million cut is an example of a difficult cut that has to be made in our Federal budget.

Furthermore, the Department of Commerce has established a national program office under the National Institute of Standards and Technology to begin development and implementation of the national strategy for trusted identities in cyberspace. The general goal of this strategy is to secure and protect transactions in cyberspace through use of a special ID, or digital identity, so that people can prove who they say they are. Let me say that cybersecurity and privacy are extremely important issues to all Americans. However, I have very strong concerns that this government-directed effort could destroy online anonymity, become the equivalent of a national Internet ID, and crowd out current private-sector efforts. That this project could potentially lead to issuance of a unique Internet ID that would serve as a single identifier for access to password-protected Web sites is frightening. It is equally concerning to think that if this single digital identity were to be hacked, the hacker would have access to a wide range of a user's personal information and accounts. Security of the cyber domain is serious, but a government-run or government-directed Internet ID system is a risk to liberty and this strategy is not the way to go about achieving this goal. The elected representatives of Congress should address these issues, not a government bureaucracy. I will be offering a limitation amendment to block any funding towards the development of this strategy, and that is why I am offering this amendment, No. 260, to cut funding from the National Institute of Standards and Technology.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This account has been hit very, very hard already. Each reduction in the bill was carefully determined. The funding level provided for NIST construction in the bill is $89 million below FY 2010.

NIST has played a key role in enabling innovative ideas with regard to strengthening infrastructure for advance manufacturing, service and science.

NIST works with the private sector, other government agencies and universities to develop and apply the technology, measurements and standards needed for new and improved products.

We have already reduced the funding in this account quite dramatically, and this would really, I think, hurt the jobs effort and hurt manufacturing.

Mr. DICKS. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Washington.

Mr. DICKS. I strongly support the gentleman's position here. We've already cut this account. There's $58 million in the account; a reduction of $89 million, or 60 percent below FY10. And the NIST does very good work. So I support the chairman and in opposition to the Latta amendment.

Mr. WOLF. Reclaiming my time, again, we want science, jobs, math, science, physics, chemistry, biology to create opportunities for manufacturing.

I urge a ''no'' vote on the amendment.

□ 2210

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1327. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' shall be $2,850,883,000.

(b) The set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1328. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be $1,455,353,000.

(b) The set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1329. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, Justice Assistance'' shall be $225,000,000.

(b) Amounts included in paragraphs (1) through (5) under the heading ''Department of Justice, Office of Justice Programs, Justice Assistance'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1330. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' shall be $953,500,000.

(b) The amount included in paragraph (4) under the heading ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' of division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$185,268,000''.

(c) Amounts included in paragraphs (1) through (3) and paragraphs (5) through (29) under the heading ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as a designee of the gentlewoman from New York (Mrs. MCCARTHY).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 202, line 16, after the dollar amount, insert ''(reduced by $20,000,000) (increased by $20,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, this amendment is to make sure that we continue the good work of the National Instant Criminal Background Check

System. The NICS is a national database system that keeps track of individuals who are disqualified under current law from purchasing and possessing firearms. Need I remind my colleagues of the many reminders we have had of the need for this.

The amendment before us here seeks to ensure that the Department of Justice continues funding the NICS Improvement Amendments Act of 2007 at the current level of $20 million. It was signed into law in January 2008 and requires all States to provide the NICS with relevant records that are needed to conduct effective background checks. Additionally, the NICS Improvement Act provides grants to States and territories to update their records and transmit the records to the NICS database.

NICS is a critical tool in the fight to keep firearms from those legally disqualified from purchasing and possessing them. The only way to enforce the law is to ensure that NICS has up-to-date records from State and Federal sources.

We understand the constraints on the Federal budget. However, by continuing to fund this program at the current FY10 level, we continue the vital effort to keep guns out of the hands of people who should not have them.

I encourage Members to support this amendment.

Had I had the floor before, I would have offered an amendment to restore the $310 million that was cut from the lifesaving Community Oriented Policing, or COPS Program, but I was denied that opportunity. So I ask for support for the amendment from Mrs. MCCARTHY and me to fund the NICS Improvement Amendments Act.

I yield back my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. The Appropriations Committee will be requiring the Department of Justice to come back to the committee with a spending plan outlining how it intends to use the funds provided for State and local law enforcement. We accept the amendment.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, we accept the amendment on our side too.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1331. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' shall be $232,500,000.

(b) The amount included in paragraph (2) under the heading ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' of division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$91,095,000''.

(c) Amounts included in paragraph (1) and paragraphs (3) through (8) under the heading ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1332. (a) Notwithstanding section 1101, the level for ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' shall be $290,500,000.

(b) Amounts included under the heading ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' in division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting—

(1) ''$15,000,000'' for ''40,385,000'';

(2) ''$0'' for ''$25,385,000'';

(3) ''$1,500,000'' for ''$170,223,000'';

(4) ''$0'' for ''$168,723,000''; and

(5) ''$0'' for ''$298,000,000''.

(c) Amounts included in paragraph (1) and paragraphs (4) through (8) under the heading ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 240 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment to Strike Section 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to $290,500,000.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the gentleman, and I thank the ranking member and, of course, the manager for the majority.

Mr. Chairman, I rise for a very important discussion as a member of the House Judiciary Committee and someone who truly believes that the COPS Program that has been initiated over a long tenure of time has truly brought down the crime statistics across America. Whether you are a rural hamlet or whether or not you happen to be a major city, the COPS Program has been an anchor for security for neighborhoods who cannot afford to pay for their own private police services.

This amendment restores the $600 million that is offered to be taken from the present funding, and it restores or would prevent the taking of 1,330 cops off the street, and as well it will provide the safety net that is necessary.

If I had had command of the floor earlier, I would have also added to this discussion the elimination of salaries that are eliminating the use of resources for the enforcement of the Voting Rights Act and the resources necessary to enforce the Voting Rights Act in the new redistricting plans that will be coming forward.

But it is certainly a shame to take in the middle of municipal budget years a sizable amount of dollars which they had been operating with and depended on. There are local communities in which the COPS Program provides one police officer, two police officers, 20 police officers, 30 police officers, and that is the very existence of that community. In cities around America, cops have been laid off, and that should be a decision of last resort.

When you talk about going forward, my question to my friends on the other side of the aisle is, is the purpose of this legislative initiative job creation, or job elimination? How can you do such damage to members of the municipal workforce that are on the front lines serving local communities?

The COPS Program has been an enormous success. It has survived several administrations, Republican and Democrat. And to suggest that the COPS Program would be obliterated or at least devastated in such an amount would, from my perspective, be the wrong direction to go. COPS academy classes have been put on hold. Mayors have eliminated classes. I have seen that in cities around America, and as members of the House Judiciary Committee, we have had several encounters of eliminating COPS funding.

This amendment simply strikes the elimination or the intent to eliminate a certain amount of funding for the COPS Program. As a member of the Homeland Security Committee, I would ask my colleagues to ask themselves the question, do the American people deserve safety and security in a time where we continue to face international and homeland security threats here in the United States? Domestic law enforcement is a key element in providing that kind of safety net.

□ 2220

Training, the opportunity for security, and the opportunity for ensuring that hamlets, towns, cities, and rural communities, counties, do not have to suffer through the crisis of the lack of security.

So I would ask my colleagues to consider a waiver so that we can address this question of the funding of a very important program. And I might add that I look forward to working with the Senate to restore those salaries to the Department of Justice so that we do not have to undermine the enforcement of an enormously important legislative initiative, one that Martin Luther King and our colleague, JOHN LEWIS, fought hard for and one that has withstood the test of time—and that is enforcement of the Voting Rights Act. How could we? And I look forward to working with the Senate for allowing that to go forward as well as to be able to enforce the values or the laws, the requirements of the Voting Rights Act, as relates to the 2011 redistricting that will take place in the coming months.

I yield back the balance of my time.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, the amendment proposed a net increase in budget authority. Before I comment on it; one, this does not cut the Voting Rights Act. So that's not accurate. This does not, this does not, this does not cut the Voting Rights Act.

The Acting CHAIR. The gentleman may state his point of order but not engage in debate on the issue.

Mr. WOLF. Mr. Chairman, the amendment is not in order under section 3(j)(3) of House Resolution 5 of the 112th Congress, which states, ''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any other Member wish to address the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I indicated before, first of all, the gentleman was mishearing what I said. I indicated that I had an earlier amendment that I decided not to offer because I intend to work with the other body on it. But it would have diminished the ability to enforce the Voting Rights Act. That is not what we're speaking of today.

The Acting CHAIR. The gentlewoman needs to address the point of order.

Ms. JACKSON LEE of Texas. Mr. Chairman, I wanted to clarify that I was not speaking on this amendment. In this amendment I've simply asked for a waiver. Frankly, this is too important an issue to be addressed by the gentleman's point of order. I ask for a waiver. This is denying, if you will, huge amounts of money to many municipalities all across this Nation. And $600 million is absolutely ludicrous. It causes a loss of jobs and a loss of safety for the United States.

I ask for a waiver on the point of order.

The Acting CHAIR. The Chair is prepared to rule.

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. The intention of the rule that the chairman is referring to is to make sure we're not adding any additional spending. But in fact, by cutting the COPS program, you're actually adding an enormous amount of expenditure in the long run. And what the gentlelady is going to being doing by preserving COPS on the street, you have less crime, lower insurance rates, less costs for prevention. You wind up—COPS on the beat wind up saving money. They save money in another way. They save money because localities don't need to raise taxes to keep these cops on the street.

So I think the gentlelady's amendment is a net budget reducer, net budget saver. Sometimes we invest in things here that save money, and the gentlelady's amendment does that. So it's in compliance with the rule.

The Acting CHAIR. The Chair is prepared to rule on the point of order.

The gentleman from Virginia makes a point of order that the amendment offered by the gentlewoman from Texas violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 125 OFFERED BY MR. WEINER, AS MODIFIED

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,000)''.

Page 206, line 10, after the dollar amount, insert ''(reduced by $298,000,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman. Before I proceed, I would make a unanimous consent request. There's a typographical error that should say $298 million, and it has only 5 zeros. So in the two places that that is stated, I ask unanimous consent to add the extra zero so it makes sense.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIR. The amendment is so modified.

Mr. WEINER. Mr. Chairman, my colleagues, this is to restore the COPS program and take money out of space. But before I do that, I really have to say I don't think this process is on the level. What are we doing here? We're figuring out which diminished amount we're going to take from to restore another diminished amount. This bill isn't going to become law. The President today said that he is going to veto this bill, as he should. It slashes funding on so many important things to our communities. I bet you most of the authors of the bill are praying that he vetoes this bill. But the fact is we're kind of in here playing this game. We're trying to take from one slashed account and move funds to another slashed account, but in the clear case of how the Republicans are swinging a meat ax rather than a scalpel—the COPS program, police officers, cops on the beat.

The COPS program has been a success not just because it's been a big-city program. You've got COPS over the first 10 years of the program in every single State. Every single community has had an increase because of police officers. And I thought being tough on crime was a Republican ideal. You slash this funding and what's going to wind up happening is your localities are going to have one of two choices: Lay off police officers or raise taxes some other way. It's going to be a net zero effect because they're going to want to keep these cops on the beat.

So where do we take the money to replace just the hiring component? We're not going to replace the whole program, just the hiring component. We're going to take it out of space exploration. I want to go see Mars, too, but I'd much rather have cops on the streets of Brooklyn and Queens. I want it for all of your districts as well.

But let's face a little something about this budget. It's an irresponsible budget you've put on the floor. I'm sure Mr. DICKS would agree it's irresponsible to slash air traffic controllers 20 percent. Who thinks that's a good idea? It's irresponsible to cut 1,500 cops on the street. Who thinks that's a great idea? It's irresponsible to say to middle class parents who are getting Pell Grants, Sorry, your kid can't go to college next year. Who thinks that's a good idea?

The President has said that he's going to veto this bill. Why don't we stop right now, roll it up, fold it up, go back and try to get this right? Let's try to come up with a commonsense budget. We know there are going to be cuts that are necessary. But to the COPS program?

We've got to understand here that these are going to require some tough choices. And I had a joking exchange with Mr. DICKS earlier, I think we can get more from Defense, I think we can get more from Agriculture. I get it. But, frankly speaking, I believe that there are some values that should transcend politics and transcend communities—and one of them is how many police officers.

And not only are there a lot of cops going to these communities; let's look at what's happening. In Jackson, Mississippi, 347 cops, they had a 12 percent reduction in crime; Detroit, Michigan, 500 cops, a 7 percent reduction; Boston, Massachusetts, almost a 29 percent reduction in crime. This is a good law enforcement program.

So I will say on behalf of all my colleagues, and Congressman GRIMM is supportive of this; Congressman DEFAZIO I think is here; Congressman COHEN is here; Congressman PALLONE I know is interested in this; and we know Congresswoman JACKSON LEE. Congressman REICHERT on your side is interested. I can tell you this: If we asked every person to stand up who had

COPS hired in their district, every one of you would have to stand up. It's going to all 435 districts. So let's keep that program going.

Now, do I like the idea we have to take it from NASA space exploration? I don't know any of the crime statistics on Mars, and I'm interested, but it's a bad choice. If any of you like space exploration, so do I. In a way, I'm playing the game too. I'm taking from one place to give to another. But I do believe it's in the interest of all of us to try to set these priorities straight.

□ 2230

One of the things we can do is vote ''yes'' on the Weiner amendment and then do something else.

It's late. We've gone through this exercise for a while. Since it's really a Kabuki dance and since we know that this document isn't going to become law—the President has already said he's going to veto it, and we already know the American people are not going to sit back for a 20 percent reduction in air traffic controllers—how is it a Republican ideal to make the air traffic less safe? How is that a value that somehow drove this Congress?

That shouldn't be nor should it be that we reduce the number of police officers on the streets. That's not who we are as a country. It's not who we should be as a Congress. So I hope you support the Weiner amendment by taking from Mars and putting it in the streets of your district.

I think it's late. Let's fold up the rest of the bill. Let's go back. Let's have some bipartisan discussion, and let's try to figure out how to do this in a way that the President won't veto it.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I would tell the gentleman that the President of the United States failed to do what he was elected to do—that was to lead this country—by rejecting the Simpson-Bowles commission recommendation.

Mr. Chairman, President Obama supported and appointed the people to the Simpson-Bowles commission. Then we saw in the State of the Union message that none of the cuts that are being done tonight would have had to have been done had the President done what he should have done with regard to the Simpson-Bowles commission.

If I had been appointed to the Simpson-Bowles commission, I would have been supportive of it. If TOM COBURN and DICK DURBIN can be in support of it, hopefully we can come together in a bipartisan manner; but all of the opposition would not even have had to take place if the President had not failed to provide the leadership that he failed to provide.

This bill makes deliberate choices within NASA to strike an appropriate balance between achieving budget savings, procurement support for NASA's $16 billion in annual contracts, and safety and mission assurance to prevent spaceflight accidents. To do this, you would almost guarantee that something could potentially happen.

I teach security to prevent the Chinese from having cyber attacks. We had hearings the other day, and we learned that the Chinese have had cyber attacks against NASA's computers. This amendment would say that it's okay, that we can have the cyber attacks. We're going to put it somewhere else.

In addition—and I see the gentlelady from Houston is here—this amendment will cost NASA's civil servants and contractors between 1,500 and 2,000 jobs.

Had President Obama done what he should have done by appointing that commission, we wouldn't even have had any cuts here. We would have been doing what we had to do. Since we're talking about crime, Willie Sutton said he robbed banks. The reason he robbed banks is that that's where the money is. The money is in entitlements. Had we dealt with the Obama commission of Simpson-Bowles, we would not be where we are today.

I yield back the balance of my time.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Willie Sutton would love it if the cops weren't trying to protect the banks—that would be great—but the cops are important.

Mr. Chairman, my first job out of law school was as an attorney for the Memphis Police Department. One of the first things I learned is that the best deterrent to crime is patrol, and patrol is policemen on the beat. That is the most effective way to reduce crime. When you have high unemployment, when you have a great recession like we've experienced with high unemployment, crime naturally does go up. When you have crime go up, you need more cops to protect property and individuals and lives.

This COPS program has been successful. It was successful in the 1990s, and we saw a tremendous decrease in crime. As Mr. WEINER pointed out—and I praise him for being a champion of this for so many years—this has been an effective program that has saved lives and property, that has kept insurance rates down, and that has kept order and liberty in our country.

Willie Sutton would not be for this amendment. He'd like to see the cops off the streets, away from the banks, away from the widows, away from the children, away from everybody who is in the arms of a potential crime, in the way of a potential crime, and that's something we shouldn't have in this country.

The cost to get rid of this program would be tremendous. The fact is the COPS program saves money, and this amendment zeros out the COPS program. It isn't a simple change in eliminating some of the moneys. It eliminates the program, and that's a mistake.

Local police are struggling with shrinking budgets. Tax rates are down as people have spent less money, so we don't have the money to support our police and to keep our law enforcement at the levels they should be. To cut police and law enforcement is a mistake, a serious mistake that's going to cost the American people.

You can't put it down in dollars and cents. Lives will be lost. Property will be lost. Insurance rates will go up. This is one place among others, but particularly here, they're the first line of defense. Of the police powers of the State, the first one is safety.

There are other areas where you could save money. If you want to keep the budget and cut it, there are a lot of defense programs that could be cut. There are defense programs that are not effectively keeping us safe from foreign problems or from foreign adversaries, but our streets in every city in this Nation and every hamlet has the need for police. To cut this COPS program is simply irresponsible, and it disregards the American public's regard and need for safety on the streets and for safety in their communities. We should support our police and make our streets safer.

I would ask that we support this amendment. I would ask that the people on the other side understand that law enforcement is a primary concern of government and that a reduction of this program or the elimination of this program will cost the American public dearly, and lives will be lost.

I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I fully support the effort to restore funding to the COPS Hiring Program.

We should absolutely look for savings and reduce costs in the Federal budget, but we should not be withdrawing support for law enforcement while cities and towns across the country are struggling to maintain their police forces.

A good example is Camden, New Jersey, which was forced by budget shortfalls to lay off 168 police officers last month. The city recently raised property taxes enough to restore about 20 percent of those positions, but law enforcement in the city is still woefully understaffed.

The CR cuts COPS programs by $501 million, including a reduction of $298 million that specifically zeros out the COPS Hiring Program. The elimination of COPS Hiring would result in 1,330 fewer cops hired or rehired in FY11 compared to FY10, or 3,000 fewer cops hired or rehired in FY11 compared to the FY11 request of $600 million.

Camden and many other cities and towns across the country still need Federal assistance to help them get through this difficult economic period, and that is exactly what this amendment is designed to do.

By restoring funding for COPS Hiring grants, Camden and other municipalities across the country could get grants to cover the 3-year cost of rehiring officers they were forced to lay off or of hiring new officers they need but have been unable to afford. After 3 years, when the economy is expected to be in much better shape, these municipalities would be required to take on the costs of these officers.

While I support the gentleman's amendment and strongly believe we should restore funding for the COPS Hiring Program, I am deeply concerned about the offset the amendment relies upon.

NASA's Cross-Agency Support account funds many of the vital efforts of the NASA centers across the country. Currently, there is a backlog of deferred maintenance needs at NASA facilities, and this backlog has been growing at the rate of about 9 percent a year. Cutting funding for this account will only make NASA's maintenance backlog worse and will impede NASA's mission.

We need to fund both NASA's Cross-Agency Support and COPS Hiring at adequate levels, and I hope, by the end of this process, we can find a way to do that.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. When I was first elected to office, I served with a very conservative Republican, and he used to say that government is about roads and rope.

He was talking about the basis for our system here in America—the basics. He was talking about transportation, the Boston Post Road, the original roads of America that tied a young Nation together on rope. He was talking about law enforcement here on Earth, law enforcement protecting American citizens from criminals.

Now, somehow the Cross-Agency Support account, which is an unbelievable catchall slush fund at NASA which has grown in the last 2 years from $550 million to $3 billion and which will actually be increased in this continuing resolution by $36 million, is more important than defending the American people from criminals, from lawbreakers, which is the most basic requirement of the Government of the United States.

Now, this isn't even like real stuff at NASA. It's not the fantasy about going to Mars or any of the other things they're engaged in for many billions of dollars.

□ 2240

This is a cross-agency support budget which has gone up six times, 600 percent in 2 years, and it's going to go up again here today, and we're going to slash the heck out of the COPS program. Now, go home and explain that to your constituents. You can't even say, Look up there, because it's not a satellite. It's not headed to the Moon or to Mars. You have to say, Hey, it's the cross-agency support budget at NASA, and when the criminal is breaking down your door, call NASA. That probably isn't going to work too well.

This not only supports police on the streets in overstretched agencies, it supports—and we've had a lot of talk about urban America—sheriffs in our rural areas which are woefully unpoliced, and in my district we've got money out of this account which you're cutting by 65 percent to go after methamphetamine manufacturing and Mexican cartels moving methamphetamine up the West Coast of the United States. We're going to cut that 65 percent because it's more important that we fund the cross-agency support budget of NASA and we increase it by 600 percent in 2 years and we decrease funding for COPS and sheriffs and drug reduction in our communities, in our schools, in our rural areas by 65 percent.

Well, you go on home and campaign on that, and I will be campaigning on my issues.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. We used to argue at one time on this floor whether or not to help communities to support the police department. We argued here on this floor as to whether this was a Federal issue, whether the Federal Government had any responsibility in terms of firefighters—I remember the debates—and police officers, and we made a decision on a bipartisan basis that it was a responsibility because we needed to protect the homeland.

So Democrats and Republicans supported the protection in trying to help communities fight crime and put out fires. We made that on a bipartisan basis, and it is a shame that we do not even consider the COPS program as part of homeland security because, if you don't have it here, you have it nowhere. This is a security issue. It is a priority. How many officers in the past 2 months have been shot down doing their job in this country? Double last year. And we know that small communities and large communities have taken advantage of the COPS program. This is important to our communities.

I was a mayor of the third largest city in New Jersey. I know what those police officers on the street in the communities mean to protecting folks in my town where I still live. I know the results. Since 1992, I know those results inside and out. You heard Mr. WEINER, who showed us the charts about what it has meant right across the United States of America. We're making a big mistake here. Throughout the United States of America, everybody, citizens know that when they see police officers walking the beat, they know there is a priority that the Federal Government has not forgotten.

I ask you, you cannot do to police officers and you cannot do to firefighters what this budget, at least for the next 6 months, is being represented by the other side. We are going to take up a FIRE Act pretty soon, the SAFER Act pretty soon with our firefighters. We can't do this. We can't pat them on the back and say, Great job. We can't go to the parades and say, Look at this; this is the protection we have in America, and do this in a program that's successful.

No one has stood and questioned the success of either of these programs. No one. I haven't heard one word tonight. If a program wasn't working, if cops weren't doing their job on the beat, then you'd stand and you would defend that particular position.

This is not the way to do it. This is not the way to protect the homeland. This is not the way to pat police officers on the back and then send them out there without the resources and without their brothers and sisters fighting alongside of them to protect the United States of America.

Mr. Chairman, this is a very serious problem. We argue vociferously on this floor to protect the soldier in the field in foreign lands. I'm here today to support DEFAZIO, WEINER, and the rest of the folks who have talked on this, to defend our police officers on the street. We owe them no less. I ask you to restore this money, the money that has been taken away in this 7-month budget. I don't think it's fair, and I don't think it's wise.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, the CR's proposal before us proposes to cut $190 million from juvenile justice programs. That cut is shortsighted and misguided. Cutting effective crime prevention programs is penny wise and pound foolish because we have reams of research and demonstration programs to show that evidence-based crime prevention programs save a lot of money in avoided law enforcement, victim, incarceration, and

other expenditures and actually save more than the programs cost.

The current Justice Department is making excellent progress in assuring that crime prevention programs and funding are only used for those programs that have proven their effectiveness through vigorous evaluation and study and programs that have shown their effectiveness. I can see that cutting unproven programs as a result of earmarks that haven't gone through that vigorous demonstration would be appropriate, but the programs in the Justice Department should not be cut.

Mr. Chairman, there are a lot of organizations that have written in opposition of the cuts in the juvenile justice programs. They include the National Disability Rights Network, the Campaign for Youth Justice, the Children's Law Center, the National Council for Community Behavioral Healthcare, The Afterschool Alliance, the Campaign for Fair Sentencing of Youth, and the Coalition for Juvenile Justice.

Mr. Chairman, last month we passed a tax bill that increased the deficit by $400 billion a year for 2 years. Now, we obviously need to cut the budget to pay for those tax cuts, but cutting funding for juvenile justice programs that are proven to save more money than they cost is not the right thing to do. We need to defeat this bill and come back with a bill that fully funds the juvenile justice programs so that we can save money and reduce crime.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1333. (a) The percentage limitations on transfers between appropriations of the Department of Justice described in section 205 of division B of Public Law 111–117 shall not apply to funds provided by this division to the Department of Justice, or provided under previous appropriations Acts to the Department of Justice that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the Department of Justice.

(b) The transfer authority provided in subsection (a) shall pertain only to transfers into the following accounts: ''Department of Justice, Salaries and Expenses, United States Attorneys''; ''Department of Justice, United States Marshals Service, Salaries and Expenses''; ''Department of Justice, Federal Bureau of Investigation, Salaries and Expenses''; ''Department of Justice, Drug Enforcement Administration, Salaries and Expenses''; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses''; and ''Department of Justice, Federal Prison System, Salaries and Expenses''.

(c) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law 111–117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1334. Notwithstanding section 1105, the proviso limiting the use of funds under the heading ''National Aeronautics and Space Administration, Exploration'' in division B of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1335. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Space Operations'' shall be $5,946,800,000.

(b) The proviso specifying amounts under the heading ''National Aeronautics and Space Administration, Space Operations'' in division B of Public Law 111–117 for operations, production, research, development, and support of the Space Shuttle and the International Space Station and for Space and Flight Support shall not apply to funds appropriated by this division.

AMENDMENT NO. 78 OFFERED BY MR. OLSON

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 205, line 25, after the dollar amount insert ''(reduced by $517,000,000) (increased by $517,000,000)''.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

□ 2250

Mr. OLSON. Mr. Chair, I rise today in support of my amendment to shift funds in the NASA budget. I appreciate the work that Chairman WOLF and his colleagues have put into drafting this bill. I know how tough it must have been. We were elected to make tough decisions, to cut spending, and to put our fiscal house in order. In our Nation's current fiscal situation, we must set clear and prudent guidelines on how our limited tax dollars are spent. I propose today that we set such limits within NASA to get better use out of our money.

Climate research is currently conducted in 16 different agencies, including NASA, and received over $35 billion through stimulus and last year's appropriations bills. Human space flight is conducted in exactly one agency, NASA. In this tight budget cycle, we must reduce duplicative spending and target our resources where they will be most beneficial. The 15 other agencies conducting climate research can pick up the slack while freeing up resources for NASA to make a truly unique contribution, maintaining U.S. dominance in human space flight.

Accordingly, my amendment proposes to reallocate $517 million that could be spent on NASA's science programs so that it will instead be available to maintain stable operations for human space flight. The amendment does not—does not change the overall NASA funding level. It simply reallocates within the total.

I understand the tough task this CR has been for our appropriators. It is never easy to tell people they must do more with less. NASA has been doing more with less for almost a decade, and that is why I am offering this amendment.

I appreciate this opportunity to discuss NASA priorities with Chairman WOLF and my colleagues. And I ask for Chairman WOLF's commitment to work with me going forward as we begin the appropriations process for fiscal year 2012, to ensure that we orient NASA away from duplicative climate research missions and back to its unique human space flight mission.

Mr. Chair, I would like to yield to Chairman WOLF for the purpose of engaging in a colloquy.

Mr. WOLF. I thank the gentleman.

It's my understanding that the gentleman is withdrawing the amendment. I want to thank the gentleman for raising some critically important points about the value of NASA's human exploration program and the need to fully support it. And no one is a stronger supporter of NASA than the gentleman from Texas, except maybe Mr. CULBERSON who is equally supportive.

I share his concern with ensuring exploration is adequately funded and that NASA remains on a clear path to achieve the human space flight goals laid out in last year's authorization. I will be happy to work together as closely as we possibly can to finish FY 2011 and move forward into FY 2012 to maintain a robust human space flight program at NASA, just as Mr. OLSON would like it to be.

In doing so, I agree that it will be necessary to identify and eliminate duplicative, wasteful, or lower-priority activities in NASA's science programs or any other NASA account, for that matter, so that we can remain on a sustainable overall budget path. I look forward to working with the gentleman and our colleagues who support NASA and thank him for his continuing efforts in this area.

Mr. OLSON. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I rise to support the amendment that Mr. OLSON has offered, and I am delighted that we have the opportunity to work together collaboratively with the chairman and with Mr. DICKS on this very important issue.

I would like to say publicly that Democrats and Republicans in the State of Texas have worked enthusiastically together on supporting NASA and human space exploration. I'm sorry that I will not have the opportunity to support Mr. OLSON's amendment or vote for it. He is absolutely right, human space flight is conducted in exactly one agency, NASA, and the general Houston area and Texas are impacted enormously. We have already lost 4,000 jobs. There will be a decrease of $1 billion going to NASA Johnson. That will impact the transition, if you will, in human space exploration. One very well known member of our community, Captain Mark Kelly, the husband of our dear and beloved Member, Congresswoman GIFFORDS, will have the opportunity to be on one of the final shuttles.

But what most of us are not aware of, because our memory fades, is how much we gained from human space exploration. Research in HIV/AIDS and

stroke and heart disease and weather research, all improving the quality of life for Americans. So I stand solemnly behind continuing to fund human space exploration and join Mr. OLSON in the leadership that he has given.

This is a tight budget, but the President talked about investing in competitiveness, creating jobs. NASA creates jobs. It creates jobs for small businesses. It creates jobs for large contractors. It creates thousands upon thousands of jobs. So I hope in this instance that we can speak in a bipartisan manner to speak to the administration on the value of continuing to support NASA. It is difficult when we have a CR that, in fact, is cutting millions from the NASA budget, and I would hope that there would be a recognition that it is important to put $517 million back into NASA, as was offered by this amendment.

I can't imagine a Nation without the ability for young people to aspire to the heights of those who have gone on before, those who have been astronauts, those who have explored the skies, those who have done enormously important research on the various trips that have been taken that have provided the research and as well the space station which has been an enormous asset that has brought international partners together and helped develop science that could not be developed before.

Having traveled to most of the centers that are under the NASA administration, each and every one that I have been to has had the quality of staff that have been doing their job in the name of progress for the American people. So I'm disappointed with this CR that has caused these enormous cuts, and I would hope that we have the opportunity to restore them.

Where are we if we quash the genius of America? Where are we if we extinguish the dreams of young students and scientists around America? Where are we if we quash the jobs that can be created by science? NASA is an asset and a jewel. And I hope together in this Congress, and of course working together with the administration, we can realize it once and for all. Why we have to battle so hard for something that has done so much for the American people baffles me. I look forward to the reinvestment in science and competitiveness. I thank the gentleman for his leadership, and I hope we'll be able to work in a bipartisan manner.

I yield back the balance of my time.

Mrs. ADAMS. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Mrs. ADAMS. Mr. Chairman, I rise today to join my colleague, Representative OLSON, in support of an amendment to transfer $517 million out of NASA's climate change research fund and into human space flight, a proven economic driver and job creator. This amendment sends a clear message to both the administration and the leadership of NASA that it is Congress' intent that human space flight should not and cannot be ignored or marginalized.

As Representative OLSON just mentioned, the purpose of this amendment is to highlight the administration's approach to NASA and the direction in which it's heading. At a time when unemployment is at 12 percent in Florida and 9 percent nationwide and our country is facing trillion-dollar deficits, I believe that limited Federal funds are better invested in NASA's human space flight program, not climate change research. Doing so will help to put people back to work and stimulate the economy.

For the last half century, the United States has made a commitment to human space exploration, creating thousands of jobs and contributing to the economies of places like central Florida, Texas, Mississippi, and Alabama.

With the shuttle program winding down and the Constellation program no longer a priority for this administration, I want the American people listening today to understand the fear and uncertainty felt by hardworking families throughout central Florida and the 24th District. They need to know the great benefits that NASA's human space flight program has brought to this Nation in the past and how a policy shift from NASA-administered human space flight to increased research on potential climate changes would devastate the economy of central Florida and many other regions of our country.

□ 2300

The facts are that in Fiscal Year 2010, the President designated $1.2 billion of NASA's total budget towards climate change research. This is on top of the 16 separate agencies and departments outside of NASA that spent an additional $8.7 billion on climate change research in the same fiscal year. Now the President's Fiscal Year 2012 proposed budget allocates even more funding for this type of research.

As NASA's human spaceflight program hangs in the balance, and the tens of thousands of jobs the program supports along with it, it is time for Congress to return NASA's directives and goals back to the congressional intent and the original agency mission: keeping America in front as a global leader in space exploration and helping to rebuild struggling communities in the process.

In closing, I would like to thank Representatives OLSON and POSEY for working with me in drafting this amendment, and to Chairman WOLF for agreeing to work with our offices as the regular Fiscal Year 2012 appropriations process proceeds.

Mr. OLSON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. I will be very brief since the gentleman withdrew the amendment.

I am a big fan and supporter of our manned spaceflight program, which I think has just an extraordinary record of achievement and is enormously important to our position in the world in terms of our leadership in science. It is also very important to many of the space centers around the country in terms of the important jobs that it provides.

But I don't want to see us rob Peter to pay Paul within the sciences, to go after the earth sciences budget, which is also critically important to the Nation's future. When we look at some of the breathtaking and disastrous weather patterns that we have seen around the world, whether it was the incredible and tragic flooding in Australia or that in South America, the ability to understand better the nature of our climate and climate change is not only extraordinarily important in terms of saving lives but in terms of understanding what is happening to our planet.

We also derive a lot of commercial benefits from our investment not only in earth science but space science as well. These investments pay enormous dividends in technologies that have become a part of all of our homes now. So this is investment that I think we want to continue to make and make strongly.

And while I, again, am a fervent supporter of our manned spaceflight program, I don't think any one portion of our space budget or science budget ought to be cannibalizing the other. We do have to make sacrifices, and we're going to have to scrutinize every program that is not working well or not efficient, eliminate any waste, eliminate even programs that are working but not working well enough.

But in terms of our investment in the future, in terms of our investment in understanding our planet, it would be, I think, very shortsighted for us to be cutting those budgets and cutting that vital research.

I thank the gentleman for withdrawing the amendment.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1336. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Cross Agency Support'' shall be $3,131,000,000.

(b) The set-asides under the heading ''National Aeronautics and Space Administration, Cross Agency Support'' in division B of Public Law 111–117 for center management and operations, independent verification and validation activities and projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I rise today to discuss an amendment that I filed with Mr. WU of Oregon but will not be offering. Instead, in a minute, I will be engaging Chairman WOLF in a brief colloquy.

Our goal is simple: to preserve funding at fiscal year 2010 levels for two critical National Weather Service programs. We drafted this amendment because these are two programs that save lives.

Many Americans might not realize it, but the weather forecasts we all get from the Internet, the Weather Channel, or from local TV or radio are all built on the raw data provided by the National Weather Service. These are the same weather reports that are relied upon every day by emergency responders, pilots, and sailors.

My goal is to protect local warnings and forecast centers around the country, along with the Severe Storms Center, the National Hurricane Center, and the Aviation Weather Center. Without these centers, we wouldn't have daily forecasts or flood warnings, and air travel would be significantly more dangerous.

The National Weather Service has been essentially flat funded since 1995. Much of their equipment is in need of repair or replacement. As a country, we simply cannot afford to cut back any further on the service that saves lives, allows us to plan for and respond to weather emergencies, and enables air travel. I am concerned about the adverse impact that this cut could have on essential services.

I understand that my colleague from Virginia, Chairman WOLF, shares some of my concerns, and I'd like to engage in a brief colloquy on this topic.

Mr. Chairman, I know that this legislation requires the Department of Commerce to produce a spending plan that explains how they will implement these cuts. Would you be willing to work with me to make sure the plan NOAA produces reflects the important work done by the National Weather Service and does not adversely affect critical services.

Mr. WOLF. Will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the gentleman's concern. He makes a very, very powerful point. I completely agree with him. These are important programs, as are many others in the bill, and we will ensure that as we review the FY 2011 spend plan that all NOAA's important activities are sufficiently funded.

I also, I might say, have a large weather service presence in my district and appreciate their hard work, and it's one of the more important things that NOAA does with regard to the weather.

I thank the gentleman for withdrawing his amendment, and I look forward and promise to work with him on these issues to resolve it, that we protect the issues that the gentleman's raising.

Mr. LIPINSKI. Reclaiming my time, I thank Chairman WOLF, and I appreciate your willingness to work with me on this important issue.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1337. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation'' shall be $408,300,000.

(b) The set-asides under the heading ''National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation'' in division B of Public Law 111–117 for science research and development activities, exploration research and development activities, space operations research and development activities, and cross agency support activities shall not apply to funds appropriated by this division.

SEC. 1338. (a) Transfer limitations for the National Aeronautics and Space Administration described in the Administrative Provisions of division B of Public Law 111–117 shall not apply to funds available under the following headings: (1) ''National Aeronautics and Space Administration, Aeronautics''; (2) ''National Aeronautics and Space Administration, Space Operations''; and (3) ''National Aeronautics and Space Administration, Education''.

(b) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law 111–117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1339. (a) None of the funds made available by this division may be used for the National Aeronautics and Space Administration or the Office of Science and Technology Policy to develop, design, plan, promulgate, implement, or execute a policy, program, order, or contract of any kind to participate, collaborate, or coordinate in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this division.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by the National Aeronautics and Space Administration.

SEC. 1340. Notwithstanding section 1101, amounts are provided for ''Legal Services Corporation, Payment to the Legal Services Corporation'' in division B of Public Law 111–117 in the manner authorized in Public Law 111–117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111–117 shall be modified by substituting—

(1) ''$350,000,000'' for ''$420,000,000''; and

(2) ''$324,400,000'' for ''$394,400,000''.

AMENDMENT NO. 173 OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 208, line 14, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

Page 208, line 15, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. I'm pleased to offer this amendment, of which many members of the Judiciary Committee have worked on behalf of legal services in the past. Many members of the Judiciary Committee have championed legal services over the years, none greater than BOBBY SCOTT, who's been a member of the committee for some time, and the current ranking member, Mr. CONYERS, Mr. NADLER, Ms. JACKSON LEE and others.

Legal services is so important to giving people representation, and this amendment will restore $70 million that's being cut from the Legal Services Corporation. That's 17½ percent of the money legal services got in the past. Legal services is already woefully underfunded. If you look at the funding they've gotten over the last 30 years and prorate it, they've been behind in funds for a long time, and we've tried to make that up in the past years. Right now they turn away half of all eligible clients who seek assistance. Slashing these funds would make it even worse. And the fact is, in these dire economic times, some of the worst we've seen, although they're getting better, more and more people need legal services.

The housing crisis is not over with, and one of the major areas they work with is people who are having problems with foreclosures because of unscrupulous loans that they've been given, and there will be more and more people losing their homes or potentially losing their homes needing legal services. And if they don't have legal representation and they lose those homes, neighborhoods are hurt, individuals are hurt, and that is a major cost on the economy.

□ 2310

The executive director of Memphis Area Legal Services, Harrison McIver, said the cuts would be devastating to Memphis Area Legal Services, and it would be devastating to their capacity to remain an effective advocate and resource for low-income individuals with all the civil legal problems that they may have. It would require laying off at least five attorneys and taking 725 fewer cases.

Memphis Area Legal Services, as other legal service clinics, help victims of domestic violence, as well as with protective orders from abusive partners, as well as assisting folks with foreclosures and elderly people who have been victimized by predatory lenders. Think about how many victims of domestic abuse will be in danger without access to the courts, how many families will become homeless without this foreclosure assistance, and how many seniors would fall prey

to predatory loans without legal help. How many of our vulnerable citizens will have the courthouse door closed in their face?

The fact is, Mr. Chairman, that legal services is more needed in dire economic times than at any other time. And I understand the majority's positions about saying they were elected to make cuts. They weren't elected to make cruel cuts that hurt the most vulnerable people in situations that aren't of their own making, and who fall prey to predatory lenders or abusive spouses or people who prey on seniors in abusive ways. This is targeting the most vulnerable people in our society.

I realize that there isn't an offset on this, and I realize the reason Mr. WOLF has made his point. I understand, too, somewhat, and feel a little bit of kinship with the Roman gladiators who, when they went into the field of combat, told the emperor that, We who are about to die salute you. And knowing kind of what the situation is, I also understand that ave imperartor moriture te salutant.

I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. I want to speak in support of what my colleague from Tennessee has said. In the United States, access to justice shouldn't be available only for those who can afford it.

I think most Americans recognize that we have an out-of-control deficit and debt, that we need tough action to deal with that, and I think Americans, irrespective of party, are ready to make sacrifices. The President's budget I think indicates that there are going to be some tough days ahead, and there are going to be some of the efforts we have supported in the past that we can't afford to support anymore.

But at the same time, I think the American people recognize that there is a lot of waste in government that can be eliminated without harming people; that a lot of inefficiencies can and must be eliminated; but they also don't want in these difficult economic times for our first steps to be to take away vital resources from those who are most in need or from middle-income families that are trying to stay in their homes.

One of the reasons why legal services has been so busy in the last several years is because of the foreclosure crisis, where many who are being forced out of their homes who can't afford counsel have nowhere to turn and have increasingly turned to legal services for help in trying to get them to stay in their home.

Imagine what we are telling those families that are struggling to stay in their homes that we are now going to defund the lawyer that's been helping them. I don't think that's where we need to go in order to balance our budget.

Legal Services Corporation is the largest funder of legal services for low-income Americans and for the growing population of Americans who have no income because they can't find work. Legal Services helps ensure representation before courts and is available to all Americans no matter what their income, their station in life, or what their circumstances happen to be.

LSC-funded programs help single women trying to keep their families together, victims of domestic violence, elderly Americans trying to avoid foreclosure, and an increasing number of veterans arriving home from service in Iraq and Afghanistan who are unable to find jobs.

Federal funding for LSC makes up only 40 percent of the operating income of those programs. The rest comes from State funding, support from the private bar, and funds from lawyer trust accounts; but the economy that is sending more people to the door of legal aid offices than at any time in history has also sapped those other sources of funding. The CR cuts legal services to the poor by $70 million. That's a 17 percent cut compared to the current level.

Again, there is no question we need to find savings in the budget, and we are and we will, and we stand ready to work with our colleagues across the aisle to fund cuts that make sense. But to make a drastic cut to a program at a time that it is keeping people in their homes and where people are struggling most is not the most propitious place to find savings.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Tennessee for offering the amendment and the gentleman from California for his remarks.

Legal Services Corporation programs are forced to already reject over half the cases that come before them. This cut found in the CR only makes matters worse by requiring the firing of hundreds of Legal Services Corporation attorneys.

Mr. Chairman, our justice system promises fairness to all litigants; but when people are unable to afford a lawyer, they are vulnerable to being ripped off in consumer transactions, vulnerable to unnecessary evictions, or unable to afford a divorce or resolve child custody disputes.

Mr. Chairman, we need to make sure that justice is more than just an idea. One Supreme Court Justice suggested that the kind of justice one gets should not depend on the amount of money they have. Two months ago, we passed a tax cut that gave significant tax relief to multimillionaires. It would be tragic if Legal Services Corporation funding for legal aid lawyers was cut to help pay for those tax cuts to multimillionaires.

Mr. Chairman, the Legal Services Corporation needs to be fully funded. We should defeat this CR and come up with a continuing resolution that fully funds the Legal Services Corporation. Again, I thank the gentleman from Tennessee and the gentleman from California.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. You know, if you stay around here long enough, you see very interesting things happen.

As I look at my friend—and when I say ''my friend,'' I really mean that, Mr. WOLF, and I think of the chairman of the full committee, Mr. ROGERS, I am reminded of the fact of two very interesting things. One, that it was Mr. WOLF and I, and Mr. ROGERS and I, who made sure during some very difficult years a long time ago that the Legal Services Corporation would stay alive and grow and strengthen itself and support those who needed help in our community. As I said, if you stay around long enough, then you see the other side, which is the same folks accepting a cut that would devastate this agency.

The other irony is, as I said so many times years before when I was the ranking member on this committee and some folks would try to cut it, that this was President Nixon's baby. This was one of the highlights, I believe, of his career, that he felt that every American had the right to legal representation.

So in the times that we are in and with the desire of some folks to go after certain agencies, the Legal Services Corporation becomes a good target; but it indeed is a bad target to go after, because as we hear more and more talk about protecting, supporting, and keeping the Constitution alive, what better show than to allow folks legal representation?

When we say life, liberty, and the pursuit of happiness, all that has certain meaning to me, and it has certain meanings to all of us; but at the center of that may be the ability to have representation and to have your day in court. There are folks that can't afford a lawyer, and the Legal Services Corporation has helped them.

Now, mind you, throughout the years folks like myself have accepted the fact that they have great limitations placed on them. There are a lot of things they can't do, but there are still a lot of good things that they can do.

So I would hope we could support this amendment; but more than that, I would hope that as we look, sadly, forward to this massive behavior of cuts across the board, that we realize that there are some basic needs and basic

protections that we need. This is one of them. And this is a sad day, indeed, when I see so many of us who worked to preserve the Legal Services Corporation now engaged in seeing, perhaps, its demise.

I yield back the balance of my time.

□ 2320

The Acting CHAIR. Does the gentleman from Virginia continue to reserve his point of order?

Mr. WOLF. I do, Mr. Chairman.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman.

I had intended to offer an amendment similar to the gentleman from Tennessee's that strikes the elimination of $75 million. Rather than do that, I am going to join in support of the gentleman from Tennessee's amendment. Mine was striking the full $75 million that was being taken from the Legal Services Corporation.

Earlier today I was on the floor explaining what a continuing resolution is, because I know more than my colleagues are listening. What would actually happen if this cut was to go through is, frankly, that the services to the poor, meaning cases who are now in court, cases that are proceeding, would be suspended in air. Frankly, you would deny justice to those who have begun to get some relief. This cut will impact 136 nonprofit Legal Services offices. It will frankly cut 300 Legal Aid attorneys; 136 offices across America.

This $75 million will stop Mr. and Mrs. Jones in the middle of representation to save their home. This cut will stop Mrs. Smith from being able to get relief from a domestic violence situation, because her lawyer, or that family's lawyer, will be fired. This cut will stop someone who has been defrauded. Some senior citizen who paid a contractor to fix their leaking roof in midstream will lose their lawyer. This is a denial of justice. Having had the privilege today of visiting the construction site of the Martin Luther King Memorial, it was interesting that I read these words: ''Injustice anywhere is injustice everywhere.'' And for us to cut the very framework of the Constitution that calls for justice, I believe, is something that should halt us on the very floor of this House and we should immediately accept the amendment without the point of order and allow these individuals to have the ability to be served. Frankly, this is beyond the imagination of any of us. The board chairman, John G. Levi, of the Legal Services board said, ''Justice is a hollow promise without the Legal Services Corporation.'' He is absolutely right.

And as I indicated, I, too, wanted to strike the elimination of $75 million from the Legal Services Corporation, but the greater insult is the fact that work that is proceeding as we speak would be eliminated: 300 lawyers, 136 nonprofit offices and how many hundreds upon hundreds and maybe thousands of clients who would not have the opportunity to be served.

So I would ask my colleagues to consider what we do here in this place and to consider what a continuing resolution will do midstream similar to the point I made earlier about resources that could be taken from the section of the Department of Justice that would enforce the Voting Rights Act. It means that you would stop cases dealing with the enforcement of the right to vote. Let us not deny justice tonight. I would ask my colleagues to support the adding back of the $70 million to the Legal Services Corporation.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I must insist on my point of order.

I wanted to just say, I appreciate the comments of the gentleman from New York (Mr. SERRANO) and the Members on the other side of the aisle. I share many of his concerns. However, as the gentleman knows, there is not an offset to this bill and the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states, ''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.'' The amendment proposes a net increase in the budget authority in the bill. Therefore, it is in violation of such section.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I respect the chairman and I know that he has, as the gentleman from New York said, has his own commitment.

I consider this an emergency and would only make the point that whether or not a point of order could be waived, in light of the fact that cases that are now in litigation would be in essence left without representation either for the client or for the case. I consider it a legal emergency, an emergency dealing with justice questions, and I would ask that the point of order be waived.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from Tennessee violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

AMENDMENT NO. 110 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Mr. DUNCAN of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 208, line 14, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

Page 208, line 15, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of South Carolina. Thank you, Mr. Chairman. I won't take the full time here.

This amendment deals with the Legal Services Corporation, which is a relic from the Great Society, originally known in the 1960s as the Office of Economic Opportunity Legal Services, and later renamed.

Folks, let me remind you that we have a trillion-and-a-half-dollar deficit spending and we have $14 trillion in debt. We can't afford to keep paying for liberal trial lawyer bailouts like the LSC. This is low hanging fruit if we are serious about cutting spending in this body. This is exactly the kind of program that we would be cutting if we had a Byrd-style committee in place. That's why we need to pass House Resolution 82.

This amendment effectively zeros out the LSC, allowing only a small amount for agency audits to continue. This cut is in the DeMint-Jordan Spending Reduction Act, which would eliminate the program entirely.

A number of groups have advocated for the abolition of the LSC. Human Events describes the LSC as one of the top 10 ''most outrageous government programs.'' Stephen Moore of the Wall Street Journal calls LSC ''a slush fund for special interests.'' And the Americans for Limited Government's Bill Wilson says: ''This corporation just serves as the legal arm for left-wing causes and should be abolished.''

In noting the LSC's penchant for taking cases it has been legislatively barred from being involved in, the Heritage Foundation declares: ''Obviously, if LSC would stop wasting funds representing people it isn't supposed to, it would have more money to spend representing needy people.''

Americans for Tax Reform calls LSC ''ineffective'' and notes that their ''services are duplicated by State and private agencies.''

And just recently, the Cato Institute notes that the LSC ''too often uses tax dollars for lobbying and other political advocacy activities'' and adds that the LSC ''should be abolished.''

I go back to the amount of debt that we have in this Nation and the deficit spending that we have in this fiscal year. Again, this is low hanging fruit and if we are serious about cutting spending, this is an easy one for us to deal with.

I yield back the balance of my time.

□ 2330

Mr. SCHIFF. Mr. Chairman, I rise in strong opposition to this amendment and move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. We can have reasonable debates about the deficit situation and the actions that should be taken, but I don't think the hyperbole that we are hearing is adding to the quality of the debate. When the Legal Services Corporation is described as a ''trial lawyer bailout,'' I think it shows a total misapprehension of what Legal Services does.

For many Americans, tens of thousands of Americans who are at risk of having their house foreclosed out from under them, seeking assistance from Legal Services to stay in your home, that is not a trial lawyer bailout. I don't think people who go to Legal Services because they can't afford an attorney and desperately want to stay in their home feel like they are giving some sort of bailout to trial lawyers when they go to the neighborhood Legal Services and ask for help to stay in their home.

It also has been described as some kind of a bastion for left-wing causes. I don't think it is a left-wing cause to want to help people stay in their house. I don't think it is a left-wing cause when you have veterans coming back from Iraq and Afghanistan who need mental health services and need the advice of counsel and need the help of counsel to get services they are entitled to. I don't think that is a left-wing cause.

I don't think it is a right-wing cause to want to foreclose on someone, and I don't think it is a left-wing cause to want to keep them in their home. I think, frankly, this ought to be all of our cause, that people through no fault of their own who are hardworking but have lost their job as a result of the economy or lost part of their income as a result of the economy and need help to stay in their home, and this is the only place they can get it, the only place they can afford a lawyer, and anyone who has tried to hire a lawyer knows how expensive that is, I don't think that is a left-wing cause, and I just don't think it sheds much light on the debate.

Are there things that can be cut? Yes. Is the President's budget cutting them? Yes. Are there more cuts we are going to have to find? Yes. But let's speak frankly about what this organization does and what it doesn't do. And if my colleagues have issues to take with a particular Legal Services branch in a particular city, then we should take that cause in our committee, the Commerce, Justice, Science Committee, with our chairman, Mr. WOLF, and do oversight to make sure that LSC funds aren't being used to lobby Congress, to make sure that only for permissible purposes are funds being used in LSCs around the country.

The LSCs I think over the last several years have done extraordinarily well under that oversight, and that oversight needs to continue. And where LSCs can operate more efficiently, they are going to have to, because it is not just a problem in terms of the Federal budget, but all the States are cutting back as well.

But I don't think we can really get to the heart of where we can afford to make cuts, where the cuts will inflict the least pain, if we are going to pejoratize the service of a lot of hardworking lawyers out there who work for Legal Services, many of whom offer their services pro bono, who get no compensation whatsoever for the work they provide, and try to demean them by saying this is a trial lawyer bailout.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I won't go into great length about it. The very fact that the President has failed to address the issue of entitlements, has walked away from his own commission, the Bowles-Simpson Commission that had the support of Senator COBURN and Senator DURBIN, leads you to activity like this. Many times Members are frustrated to deal with this issue.

We have $14 trillion of debt, and in the statement I gave on the floor several weeks ago, I said had I been a member of the commission, I would have voted for it. I think it was a missed opportunity. I also said that failure to address the issue of dealing with Medicare and Medicaid and Social Security will unfortunately result in many times the poor being hurt. In the Bible it says in Proverbs when you give to the poor, you loan to God, and I am sensitive to that. But the very fact that the administration, the President appoints the commission, comes out at a big press conference, and then walks away from it, leads you to some activity like this.

This would wipe out Legal Services, so I strongly urge Members to oppose the amendment, and I urge Members to contact the White House and ask them to support entitlement reform in the Simpson-Bowles package.

Mr. SCHIFF. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. SCHIFF. I appreciate your yielding, Mr. Chairman, and I agree with you.

First of all, I appreciate your opposition to the amendment. The big entitlement programs are going to have to be addressed, and what we are doing here in dealing with this small piece of the Federal budget pie, that is, domestic discretionary spending, there is no way we can find enough savings to make a real dent in the magnitude of our deficit and debt. That has to be done. I can understand your frustration about it. It is a frustration I think we all share.

I think the difficulty, frankly, that the administration is having is probably the same difficulty that the majority is having, and that is whoever puts the proposal on the table first gets their head taken off. I think probably the only way to get to ''yes''—and there is no way we are going to be able to reform the entitlement programs in a partisan way; it has to be done in a bipartisan way—is frankly if both parties can come together and put something on the table together. I think that is what is going to have to happen.

But you are right, there is no way we are going to make even a small dent in things until we have that bigger, more important conversation.

Mr. WOLF. Reclaiming my time, I believe that if President Reagan were President of the United States today, he would provide the leadership, because he did in saving Social Security. It was the Greenspan Commission, and he worked with them in a bipartisan way. I think if we had a President like Ronald Reagan, we would be resolving these issues.

With that, I urge opposition to the amendment.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. The last thing I want to do is prolong this debate this evening. It is getting late. But I think what is happening with these budget cuts, under the disguise of budget cuts, is that we are discussing some very serious issues, and at times we use words or phrases that should not go unchallenged.

So, first of all, I want to thank the chairman of the subcommittee for his opposition to the amendment, because he has got a history of being supportive. And he is a fiscal conservative. He knows that he wants to go after waste and high expenses and programs that don't function well. But he also has always had a belief that the person who may not have the most resources in this society should be given a shot at being protected.

I want to join Mr. SCHIFF in that we have to continue to be careful. To say that this is a trial lawyers' bailout, when we in fact have had incredibly serious bailouts in the last couple of years, that is a bad statement to make.

I am old enough to remember President Nixon, and I don't remember that he went around creating left-wing causes or left-wing programs. Again, I

repeat, and it bears repeating, this was his creation. Because within that complex human being known as Richard Nixon, there were a couple of things that were very interesting to analyze, and one of them was his fundamental belief that everyone in this country needed the ability to be represented and represented properly.

Now, what is ironic is, the same folks who would destroy the Legal Services Corporation will not utter a word as we continue to protect people in this society gaining more power and more wealth and never needing a Legal Services lawyer for one of their issues, one of their cases.

So as we look at these cuts, as we look at this desire to bring down the deficit, as we do all these things that I think on a bipartisan basis we believe have to be done, we also have to pay attention to the fact that we can't destroy that which is fundamentally sound in our society. Cut here and there, I understand that. That train left the station a long time ago. Destroy it? Totally wrong.

Lastly, not to repeat myself, you can't on one hand claim that we need to protect more than ever the Constitution, and tell somebody with a home being foreclosed that can't afford a lawyer that they can't get any assistance. This is the wrong way to go, and I really hope this amendment is defeated and defeated soundly.

I yield back the balance of my time.

□ 2340

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, I appreciate the fact that the gentleman from Virginia has opposed this; but I just wonder whether or not there's any shame when it comes to literally gutting the Legal Services Corporation some $324 million and practically eliminating any opportunity for justice. I just want to repeat some of the words that were offered: slush fund for special interests, lobbying, and political activities.

We spent some time in the 1990s on the Judiciary Committee looking closely at the Legal Services Corporation and, frankly, gave generous oversight on some of the issues that might have suggested that there were other activities going on. When the Legal Services Corporation non-profits come from around the Nation, you are seeing members of the bar who are from major law firms, major leaders in the community who are on the boards of these particular services, local offices, and they have the highest standard of legal excellence that they try to portray and therefore try to encourage as relates to the representation of poor people. My brother-in-law, to his death, was a legal services lawyer in New York. Not one time did I see him or hear of him doing anything other than attempting to do justice for people who could not achieve such.

I, frankly, believe when you talk about a continuing resolution, make it very clear: it is stopping programs in the middle of operation. It is closing 136 offices in midstream. It is laying off 300 lawyers in the middle of litigation that they are pursuing to keep Mrs. Jones in her home and to keep an elderly person who's been defrauded by an unscrupulous contractor simply trying to fix an old home. She has no other options sometimes than a legal services lawyer. So I hope that we will see less of this.

Might I just say it's interesting that we have a difference of opinion. Frankly, I don't think the President has walked away from any Financial Commission report. The majority in this House has every opportunity to present their cuts to entitlement and to begin the discussion. The President has not indicated he is not interested. But while we recognize that this House is a revenue-generating House and, therefore, with the responsibility now in the hands of Republicans, it is appropriate for the chairman of the Budget Committee and others to present their proposal for such.

The President's budget cuts the debt. The President's budget has strength in going forward; but it has a purpose: competitiveness; morality; and, of course, to rebuild America. I'm waiting on the Republicans to present their proposal, and I'm sure that we will look closely and be able to work in a bipartisan manner. But I would vigorously oppose any cuts of this measure at all to the Legal Services Corporation, which is a mark for justice in this country.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DUNCAN of South Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1341. Section 505(a)(1) of division B of Public Law 111–117 is amended by inserting '', unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds'' before the semicolon.

SEC. 1342. Of the funds made available for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'' in division B of Public Law 111–117, $1,740,000,000 is rescinded.

SEC. 1343. Of the unobligated balances available for ''Emergency Steel, Oil, and Gas Guaranteed Loan Program Account'', $48,000,000 is rescinded.

SEC. 1344. Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are rescinded, not later than September 30, 2011, from the following accounts in the specified amounts: (1) ''Office of Justice Programs'', $42,000,000; and (2) ''Community Oriented Policing Services'', $10,000,000.

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

SEC. 1401. All of the provisos under the heading ''Corps of Engineers—Civil, Department of the Army, Construction'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1402. The proviso under the heading ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1403. The fifth proviso (regarding the San Gabriel Basin Restoration Fund), seventh proviso (regarding the Milk River Project) and eighth proviso (regarding the Departmental Irrigation Drainage program) under the heading ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1404. All of the provisos under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1405. All of the provisos under the heading ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1406. The proviso under the heading ''Department of Energy, Energy Programs, Nuclear Energy'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1407. The second proviso under the heading ''Department of Energy, Energy Programs, Fossil Energy Research and Development'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1408. All of the provisos under the heading ''Department of Energy, Energy Programs, Science'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1409. The thirteenth proviso (regarding Commission funding) under the heading ''Department of Energy, Energy Programs, Nuclear Waste Disposal'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1410. All of the provisos under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1411. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1412. All of the provisos under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1413. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Environmental Cleanup'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1414. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Other Defense Activities'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1415. The fifth proviso under the heading ''Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1416. Sections 105, 106, 107, 110 through 125, 205 through 211, 502, and 506 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1417. In addition to amounts otherwise made available by this division, $50,000,000 is appropriated for ''Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy''.

□ 2350

AMENDMENT NO. 192 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 213, line 19, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, my amendment would cut funding for the Advanced Research Projects Agency—Energy, commonly known as ARPA-E, by $50 million, and it would put that funding towards deficit reduction.

For my colleagues who know me, they know it is not easy for me to cut funding for energy research. I have always maintained that there are two priorities I believe in and will continue to promote in Congress. Energy R&D is one of them. I believe the greatest investments we can make to secure our economic competitiveness are those investments that cultivate scientists and engineers of the future and provide the research infrastructure from which they can innovate and create jobs.

ARPA-E was first proposed in 2005 in the distinguished report entitled, ''Rising Above the Gathering Storm.'' Modeled on DARPA, ARPA-E was recommended along with dozens of recommendations designed to spur scientific investment. These recommendations were authorized as a part of the first America COMPETES Act of 2007 and reauthorized again last year.

Despite my strong support and leadership for COMPETES and its programs, I have had concerns about ARPA-E since inception. As a senior member of the Science, Space, and Technology Committee, our minority views on the President's fiscal year 2010 budget accurately reflect my sentiment:

''Those of us in opposition to ARPA-E maintain the view that creating a new agency to do work that is currently being done at the DOE is not a justified use of the limited funds available to the Department, and we support the Department's previous decision to not establish ARPA-E but to engage in ARPA-E-type projects within the current DOE structure.''

Most importantly, I have always believed that ARPA-E threatens to divert resources from the DOE's Office of Science, the largest supporter of basic research. That is why I secured language through COMPETES 2007 that would prohibit funding for ARPA-E unless the Office of Science is fully funded. I felt this was the most productive way to move forward with the ARPA-E concept and to prevent duplication or competition with other DOE programs. However, when we reauthorized COMPETES last year, this language was not included; and, unfortunately, my attempts to limit ARPA-E appropriations were unsuccessful.

In supporting my concerns about spreading resources too thin, now-Secretary Steven Chu said the following of ARPA-E in testimony before the Energy subcommittee in 2006: ''In funding ARPA-E, it is critical that its funding not jeopardize the basic research supported by the Department of Energy's Office of Science. The committee's recommendations are prioritized, and its top recommendation in the area of research is to increase the funding for basic research by 10 percent per year over the next 7 years.''

Mr. Chairman, were it not for the 2009 American Recovery and Reinvestment stimulus bill, ARPA-E would never have been funded. I urge my colleagues to join me in cutting ARPA-E funding and in rejecting duplication and stretched resources.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We are here to follow through on our pledge to right-size the government, and I appreciate my colleague's amendment for that reason. However, in addition to enacting historic reductions in spending in the CR, we are also committed to an unprecedented level of oversight to ensure that every dollar spent by the Federal Government is, indeed, well spent.

My colleague's amendment would virtually eliminate the Advanced Research Projects Agency—Energy, or ARPA-E, as we call it. This relatively new program is getting positive early results for its strong management, for its ability to execute, and for its focus on American competitiveness.

We certainly can and must debate which programs are the most worthy of taxpayers' dollars and which we should terminate, but the debate to end a potentially promising initiative to increase funds for another Federal program, as this amendment does, must be thoroughly considered in more than 5 or 10 minutes.

I and the committee would be happy to work with my colleague in the fiscal year 2012 process to ensure the proper and thorough oversight and evaluation of this program. However, I must regretfully oppose her amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman in his opposition to this amendment.

Mr. Chairman, it is a promising program that already has provided not only research but the taking of the research, the finding of private capitalization, and the developing of products that can go forward.

One of the problems that we have found in the past for many years is that the Department of Energy has sometimes great problems in doing the basic research or in funding basic research. It has a difficult time getting out to find capitalization and then in being able to commercialize it.

ARPA-E is a process that is small but big in talent which is able to take innovative ideas and is able to research and take them to the next step with private capitalization. It is a program that takes public investment and increases the investment by the private sector. The outcome is the innovation of products, new employment, and new jobs. It is the way to transform the Department of Energy to make it more effective, and it would be a great loss to zero fund it at this time.

I yield back the balance of my time.

Mrs. CAPITO. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise in support of the gentlewoman's amendment, although I had an amendment that was to follow this amendment which sought to grab $47 million from the ARPA-E program to fund a jobs program to restore the clean coal research dollars that are stricken in this continuing resolution.

My amendment would have restored funding to the DOE's Fossil Energy Research and Development program to maintain our commitment to domestic coal and natural gas, which powers our Nation. It protects our environment and enhances our energy independence.

Certainly, in being from the State of West Virginia, this is a jobs issue for us. Our coal industry is under serious attack in this administration, both from the regulatory perspective and from other environmental areas. We realize that 50 percent of the Nation's energy is powered by coal. In order to use that most abundant resource that we have in our Nation, we need to find ways to burn it cleaner and mine it more efficiently.

For more than a quarter of a century, Fossil Energy Research has converted taxpayer investment into high-tech advances that in some ways touch every single American's life. Fossil Energy is finding and testing new ways to use coal more cleanly and efficiently by producing energy from coal gasification and by improving technologies to clean, capture, or store the emissions from coal-fired power plants. Over 1,000 American pioneers are doing research in this area, many of them located in our State of West Virginia at the National Energy Technology Laboratory in Morgantown, West Virginia.

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The Morgantown facility is the only national laboratory devoted to fossil energy research. So while I'm unable to offer my amendment to strike $47 million from the ARPA-E program and restore the $30.6 million into the clean coal research program, I did want to take this opportunity to emphasize the feeling that I have of how important it is for us to move forward in a bold and technologically superior way to find a way to use our most abundant resource.

The advanced research projects happening at Fossil Energy now will help keep clean, affordable energy from our traditional few resources as an integral part of our energy supply while we innovate and research our way to those new energy resources.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, I rise in support of the gentlewoman from Illinois' amendment which would strike funding for ARPA-E within the Department of Energy.

There is little disagreement in Congress on the importance of fundamental advances in energy technologies to America's future economic and national security. It is a priority that we all share. The challenge lies in how best to structure the Federal Government's involvement in energy research and development to maximize use of limited resources.

Republican Members on the Committee on Science, Space and Technology have had serious reservations regarding the appropriateness of ARPA-E since it was first debated in the 110th Congress. A primary concern was that ARPA-E would focus on late-stage technology development activities that the private sector was already addressing, and we've seen that happen.

While language was incorporated into ARPA-E's authorizing statute directing the agency to only support ''technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty,'' there are numerous instances of ARPA-E awards that indicate the agency is not following these guidelines, instead providing funding to companies that are already actively pursuing development of the technology area for which they are requesting funding. This is a serious issue—taxpayer funding for R&D should only go toward areas that are too risky for private investment.

Due to these concerns, Mr. Chairman, I along with Chairman HALL, chairman of the Science, Space and Technology Committee, have requested that the Government Accountability Office undertake a study to review and report on the extent to which this problem is occurring with respect to other awards. At least until this study is completed and Congress has had an opportunity to consider its findings, ARPA-E should not receive additional taxpayer money, especially in this current environment of fiscal disaster that we're headed towards.

I urge support for the gentlelady's amendment.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 395 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 213, line 19, after the dollar amount insert ''(increased by $20,000,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $20,000,000)''.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE. Mr. Chairman, we have a simple amendment that will help restore two principles to our budget: one is innovation, and two is balance. What our amendment would do would be add $20 million to the ARPA–E account. It would be fully paid for with a balance taken out of the fossil fuel research account, and this is important for two fundamental reasons.

Our Nation's economic performance will live or it will die on the ability to innovate a new clean energy technology; and today, tonight, when we're speaking, the Chinese are investing $786 billion in the development of new clean energy technologies. Yet, what does this CR do to our advanced clean energy research budget? It cuts it by 85 percent. While the Chinese are racing ahead on clean energy, we're running backwards 85 percent in ARPA–E, which has tremendous potential in solar energy, in efficient, enhanced geothermal and new efficiencies in electric storage, in high-capacity grid systems. This is our seed corn of innovation, and yet we have slashed it 85 percent in this CR. We are simply asking to reduce that cut to about 65 percent and add $20 million.

Now, let me put this in context. That is the innovation part of this agenda; and for those who are critical of ARPA–E, let me suggest, in the first year of this operation, in the first year, it has attracted six private equity investments for $23 million of Uncle Sam's investment of $100 million that has been leveraged for private equity investment. This program has some promise, and we are cutting off tiny little crumbs to cut off the innovation budget for clean energy. It's a huge mistake.

Now, balance, here's where the balance part comes in. We want to pay for this, obviously. We don't want to create further deficit spending on this program. In the fossil fuel research budget, we've cut that 17 percent, and it's 10 times larger than the ARPA–E budget. That is wildly out of balance where we cut ARPA-E. Instead of 17 percent, we cut it 85 percent. Fossil fuels, we've got $556 million in research. For ARPA–E, we've got 50 million unless we adopt the Inslee amendment. So I would encourage us to get in the game of competing with China.

Now, I was talking to former Governor Ted Strickland tonight about a company called Willard & Kelsey, WK Solar Group, a company that's developed a new way of manufacturing solar cells using a horizontal manufacturing project, much more efficient, quicker manufacturing. If we don't start developing these technologies, the Chinese are going to have us for lunch, and this is a small thing that the payoffs could be dramatic. We'd encourage more innovation, and we'd encourage more balance for the future.

We recommend this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman's amendment adds, as we know, $50 million for ARPA–E while cutting funding for the fossil energy program. The Energy and Water portion of this bill strikes a careful balance between national security, American competitiveness, and the grave responsibility of deficit reduction. As written, this bill provides sufficient funding to keep ARPA–E operational and active in fiscal year 2011 while we thoroughly evaluate the program and its future in the fiscal year 2012 appropriations process.

ARPA–E has shown some promise in advancing our competitiveness; but in the light of the tough tradeoffs we've had to make in this bill—and indeed, they've been tough—I can't support further increased funding for ARPA–E before we've had a broader discussion of the new program.

Further, to achieve this bill's historic levels of spending reduction, the bill has struck a finely tuned balance of support across programs within the Department of Energy. The amendment would reduce funding for fossil energy research and development. The program cut by the amendment ensures not only that fossil energy which generates nearly 70 percent of the Nation's electricity is clean and efficient but that it uses technologies invented in America and creates jobs here at home. Yet, because reducing spending is our top priority, all programs must sacrifice, and the bill cuts fossil energy, research and development well below the 2010 mark and 21 percent below fiscal year 2008.

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Further reductions to fossil energy can be damaging to the program's important goals and may lead to excessive job losses. For this reason and because further increases to ARPA–E are currently unwarranted, I oppose the amendment.

Mr. INSLEE. Will the gentleman yield for a clarification?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. INSLEE. I thank the gentleman.

The gentleman suggested that our amendment added $50 million. I know it was unintentional. We would only ask an additional $20 million. I just want to make that clear for the record.

Mr. FRELINGHUYSEN. The record is corrected, and you are absolutely right.

Mr. INSLEE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1418. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy or Corps of Engineers, Civil, shall be used to initiate or resume any program, project, or activity or to initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1419. No funds made available by this division or any other Act may be used by the Nuclear Regulatory Commission to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application until the Commission reverses ASLB decision LBP–10–11.

SEC. 1420. Notwithstanding section 1101, the level for ''Independent Agencies, Appalachian Regional Commission'' shall be $68,400,000.

SEC. 1421. Notwithstanding section 1101, the level for ''Independent Agencies, Delta Regional Authority'' shall be $11,700,000.

SEC. 1422. Notwithstanding section 1101, the level for ''Independent Agencies, Denali Commission'' shall be $10,800,000.

SEC. 1423. Notwithstanding section 1101, the level for ''Independent Agencies, Northern Border Regional Commission'' shall be $0.

SEC. 1424. Notwithstanding section 1101, the level for ''Independent Agencies, Southeast Crescent Regional Commission'' shall be $0.

SEC. 1425. The total principal amount for commitments to guarantee loans for eligible projects (other than nuclear power facilities and front-end nuclear facilities) under the heading ''Department of Energy, Title 17 Innovative Technology Loan Guarantee Authority Loan Program'', in title III of division C of Public Law 111–8, is hereby reduced by $25,000,000,000.

SEC. 1426. Of the unobligated balances of funds transferred to ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' for desert terminal lakes under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note), $115,000,000 is rescinded.

SEC. 1427. Of the unobligated balances available for ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'', $21,000,000 is rescinded, to be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project.

SEC. 1428. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Investigations'' shall be $104,000,000.

SEC. 1429. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Construction'' shall be $1,690,000,000.

SEC. 1430. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'' shall be $239,600,000.

SEC. 1431. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Operation and Maintenance'' shall be $2,361,000,000.

SEC. 1432. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Formerly Utilized Sites Remedial Action Program'' shall be $130,000,000.

SEC. 1433. Notwithstanding section 1101, the level for ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' shall be $913,500,000.

AMENDMENT NO. 297 OFFERED BY MR. MCCLINTOCK

Mr. McCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 19, after the dollar amount, insert ''(reduced by $1,897,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $1,897,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this is a poster child for I guess what could best be described as ''Greens Gone Wild.'' As part of the so-called Klamath Hydroelectric Settlement Agreement, it is proposed to use taxpayer funds to tear down four perfectly good hydroelectric dams on the Klamath that are producing 155 megawatts of the cleanest, cheapest electricity on the planet—that's enough to power over 150,000 homes—because, we're told, of catastrophic declines in salmon.

When I suggested building a salmon hatchery instead, I was informed there already is one. It produces 5 million salmon smolt each year, 17,000 of which return to that river as fully grown adults to spawn, but they are deliberately ignored in the population counts. To add insult to insanity, as they tear down these dams in the name of saving the salmon, they are actually tearing down the fish hatchery that actually is saving the salmon.

This amendment targets the study that is underway to do so. A policy that is as manifestly insane as this should not require $2 million of additional funding.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, we are prepared to accept the gentleman from California's amendment.

Mr. PASTOR of Arizona. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I rise in support.

This amendment simply reduces the water and related resources account by $1.9 million. Given the limited nature of the amendment, I do not object to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

SEC. 1434. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Energy Efficiency and Renewable

Energy'' shall be $1,467,400,000: *Provided*, That none of the funds made available by this division may be used for the Weatherization Assistance Program authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) or the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

AMENDMENT NO. 315 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, after the dollar amount, insert ''(reduced by $247,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $247,000,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves $247 million by relieving taxpayers of having to subsidize solar energy research and development.

I am tempted to point out that solar power is not a new technology. Photovoltaic electricity generation was invented by Edmond Becquerel in 1836. That was 175 years ago. And in 175 years of continuing research and development and technological advancement, we have not yet been able to invent a more expensive way of generating electricity. Yet we're perfectly comfortable telling our constituents that we're taking another $250 million from their families to throw at this 175-year-old technology for no particular reason other than it makes us feel good.

I'm also tempted to point out that not only is this the most expensive way that we have ever invented to generate electricity, but it also adds nothing—I repeat, nothing—to our baseline power. Our electricity systems operate on an integrated grid, meaning that we have to constantly match the power going onto the grid with the power coming off the grid. And since there is no way to tell when a cloud passing over a solar array will immediately drop the output to zero, we have to construct an equal amount of reliable conventional power to back up that solar power. In other words, for every kilowatt of solar power we add to the grid, we also have to pay to add an additional kilowatt of backup power.

But the principal objection I have is this: This technology was truly on the verge of a breakthrough. After 175 years, investors would be tripping over themselves to get a piece of the action.

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If they are, there's no need to subsidize it. And if they're not, we have no right to force American taxpayers to make investments that no investor in his right mind would make.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the continuing resolution before us enacts historic spending reductions but it does so by striking a careful balance between deficit reduction and other important goals.

I regret the gentleman's amendment goes far beyond the point of balance, and thus, I must oppose it.

Mr. Chairman, deficit reduction is the bill's top priority, and our bill already significantly reduces the Energy Efficiency and Renewable Energy Account. As written, our bill cuts that account to 35 percent below current levels and 38 percent, or nearly $900 million, below the fiscal year 2000 budget request.

Our bill cuts the excess and provides only enough funding to continue past commitments, leaving little room left to cut.

While I support the intent of the gentleman's amendment, as it aims to reduce further spending, we must do so responsibly and with a careful balance among deficit reduction, jobs, and our Nation's energy security. The gentleman's amendment fails to maintain this balance and would, to my mind, create undue job losses which would be considerable and irreversibly damage this particular program.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman. We need a mix of energy to gain energy independence. We cannot just rely on the mix of energy we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods of closing loopholes for the oil and gas industry.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY TONKO

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, through page 217, line 4, strike '': *Provided*,'' and all that follows through ''et seq.)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chairman, I offer this amendment to section 1434 of the Republican spending bill. The section includes language that bans funds allocated to energy efficiency and renewable energy from being used for the weatherization assistance program or the State Energy Program. This rider has nothing to do with reducing funds; it is a policy rider. My amount would simply strike that language from this bill. This amendment does not add a single dollar to the deficit, the continuing resolution, or energy efficiency and renewable energy programs. It preserves the Republicans' cuts, though misguided, to energy efficiency and renewable energy. It merely states that weatherization and state energy programs remain eligible for funds.

There are many cuts in this bill that we cannot fix for procedural reasons. And there are many more that Republicans will oppose for political reasons, but this is something we can save. This amendment has strong bipartisan appeal. It is about lowering utility bills for people on the brink. It is about preserving construction, inspection, and renovation jobs. It is about States rights. It has been a harsh and unrelenting winter in many parts of America. We should not be leaving our friends and our neighbors out in the cold.

The State Energy Program is a 30-year old program that provides resources to states for energy efficiency and renewable energy, and it works. I know this because I used to run this program for New York State as the President and CEO of the New York State Energy Research and Development Authority. For every $1 in funding it yields $7.22 in annual energy savings. Each $1 in State Energy Program Federal funds is leveraged by $10.71 of state and private funds. States receiving this funding are eligible to do energy audits on over 15,000 buildings per year, including residential, commercial, and industrial properties. They are also able to renovate over 13,000 buildings per year to be more energy efficient. Think of it. Energy efficiency as our fuel of choice.

The other program my amendment addresses is the Weatherization Assistance Program. Some 38.6 million low-income, elderly, and disabled households are eligible for renovations to become more energy efficient and to lower their electric bills. Per household, this program creates a $437 savings or more in annual utility bills, or about 35 percent off of a typical utility bill. In 2010 alone, weatherized homes nationally would have saved some $2.1 billion. The weatherization program decreases national energy consumption by the equivalent of 24.1 million barrels of oil annually. For every $1 invested, weatherization returns $2.51 to the household and our society.

This is an appropriations bill. According to my colleagues across the aisle, it is a bill with the sole purpose of reducing the deficit, a noble goal. However, the State Energy Program and Weatherization Assistance Program rider does not reduce the deficit by 1 cent. It is not about funding. It is about restricting programs that work and playing politics as usual.

We should be focused on creating jobs, reducing our dependence on foreign oil, and innovating for our future.

My amendment restores our ability to do all three without adding a single cent to this bill. I ask for your support of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, while the energy efficiency and renewable energy program supports research and development important to American competitiveness, the program has seen a 30 percent increase since the fiscal year 2008 and received $16.8 billion in stimulus funding in the Recovery Act. Now is therefore the right time to cut the fat and replace indiscriminate spending increases with smart prioritization and oversight.

Two programs within this account, Weatherization Assistance and the State Energy Program, do not focus on competitiveness and instead pass funding on to state and local governments. These two programs together have $4.7 billion in unspent Recovery Act funding and have encountered substantial management challenges in the last 2 years. And I may say, substantial.

The bill eliminates funding in fiscal year 2011 for weatherization and state energy programs whose unspent Recovery Act funding should sustain it through fiscal year 2011. In fact, at current implementation rates, which have been incredibly slow, unspent funding would last through 2012.

The amendment ignores these commonsense facts and the imperative to reduce spending by moving unneeded funding back into an already bloated program. I therefore, oppose the amendment and urge Members to do the same.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 259 OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, after the dollar amount insert ''(reduced by $70,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $70,000,000)''.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATTA. Mr. Chairman, amendment 259 will cut $70 million from the Office of Energy Efficiency and Renewable Energy, which I intend to be removed from the FreedomCAR initiative. Currently, H.R. 1 funds the Office of Energy Efficiency and Renewable Energy at $1,467,400,000 for the remainder of fiscal year 2011.

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This amendment would reduce that amount to $1,397,400,000. This office already received $16.8 billion in stimulus funds, and $2.24 billion was appropriated in fiscal year 2010.

While citizens across the country are struggling to pay their bills, it would be very difficult to justify not being able to cut $70 million from this office. With Americans also struggling with higher gasoline prices and other fuel costs rising, Congress should focus on legislation that allows us to utilize resources we have available to drive prices down.

The free market is the best place for technological innovation. Reducing taxes and eliminating burdensome regulations will allow private companies to bring new, more fuel-efficient technologies to market when it becomes cost effective.

With a forecasted deficit of $1.6 trillion this year and the national debt scheduled to triple in 10 years, I have serious concerns with spending more funds on programs that have received massive increases from stimulus spending. The President released his budget proposal this week which reflects a pattern of record spending and even higher taxes, this continued spending of funds that the United States Government does not have as we continue to borrow from other nations.

During the last session of Congress alone, the President signed into law over $1.8 trillion in new government spending and over $670 billion in new job-damaging tax hikes. My $70 million cut will be a small reduction in an overbloated Federal budget.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the Energy Efficiency and Renewable Energy program supports technology, research, and development to keep America competitive and ensure our access to domestic energy sources. While these are critically important goals, so too is meeting our pledge to substantially reduce the Nation's deficit beginning this year.

Our bill cuts energy efficiency and renewable energy 35 percent below the current level and 38 percent, or $888 million, below the President's fiscal year 2011 budget request.

The bill limits funding for programs that are still supported by unspent Recovery Act dollars. It also eliminates earmarks and slims down research programs by more than $500 million while preserving core activities supporting American competitiveness in emerging energy industries.

After these cuts, there is simply no more fat to trim. Cutting the program would cost excessive job losses and defaults on past commitments. While I support the gentleman's efforts to further reduce spending, this amendment would go too far beyond the careful balance that we have crafted in this bill.

I and the committee fully intend to exert unprecedented oversight of this program. So as we move forward, I would be happy to work with the gentleman as we do; however, I must regret that I oppose his amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman in opposition to this amendment.

As I stated before, we need a mix of energy to gain energy independence. We cannot just rely on the mix of energy that we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods for closing loopholes in the oil and gas industry. I am in opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1435. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'' shall be $139,000,000.

SEC. 1436. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Nuclear Energy'' shall be $661,100,000.

SEC. 1437. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Fossil Energy Research and Development'' shall be $586,600,000.

SEC. 1438. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Strategic Petroleum Reserve'' shall be $138,900,000.

SEC. 1439. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Energy Information Administration'' shall be $95,600,000.

SEC. 1440. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Non-Defense Environmental Cleanup'' shall be $225,200,000.

SEC. 1441. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund'' shall be $513,900,000.

SEC. 1442. Notwithstanding section 1101, the level for ''Department of Energy, Energy

Programs, Science'' shall be $4,017,700,000: *Provided*, That of the amount provided by this division for ''Department of Energy, Energy Programs, Science'', not more than $302,000,000 shall be for biological and environmental research authorized under subtitle G of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16311 et seq.).

SEC. 1443. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Departmental Administration'' shall be $148,900,000.

SEC. 1444. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Advanced Technology Vehicles Manufacturing Loan Program'' shall be $9,998,000.

SEC. 1445. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' shall be $6,696,400,000.

SEC. 1446. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'' shall be $2,085,200,000.

SEC. 1447. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors'' shall be $967,100,000.

SEC. 1448. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'' shall be $407,800,000.

SEC. 1449. Notwithstanding section 1101, the level for ''Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup'' shall be $5,016,041,000, of which $33,700,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

SEC. 1450. Notwithstanding section 1101, the level for ''Department of Energy, Environmental and Other Defense Activities, Other Defense Activities'' shall be $773,400,000.

SEC. 1451. Of the unobligated balances from prior year appropriations available for ''Corps of Engineers—Civil, Department of the Army, Construction'', $100,000,000 is rescinded.

SEC. 1452. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'', $11,200,000 is rescinded.

SEC. 1453. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'', $2,400,000 is rescinded.

SEC. 1454. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Nuclear Energy'', $6,300,000 is rescinded.

SEC. 1455. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Fossil Energy Research and Development'', $30,600,000 is rescinded.

SEC. 1456. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Naval Petroleum and Oil Shale Reserves'', $2,100,000 is rescinded.

SEC. 1457. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Clean Coal Technology'', $18,000,000 is rescinded.

SEC. 1458. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Strategic Petroleum Reserve'', $15,300,000 is rescinded.

SEC. 1459. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Energy Information Administration'', $400,000 is rescinded.

SEC. 1460. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Non-Defense Environmental Cleanup'', $900,000 is rescinded.

SEC. 1461. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund'', $10,000,000 is rescinded.

SEC. 1462. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Science'', $7,200,000 is rescinded.

SEC. 1463. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Nuclear Waste Disposal'', $2,800,000 is rescinded.

SEC. 1464. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Departmental Administration'', $11,900,000 is rescinded.

SEC. 1465. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'', $45,500,000 is rescinded.

SEC. 1466. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors'', $1,200,000 is rescinded.

SEC. 1467. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'', $4,400,000 is rescinded.

SEC. 1468. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup'', $11,900,000 is rescinded.

SEC. 1469. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Environmental and Other Defense Activities, Other Defense Activities'', $3,400,000 is rescinded.

SEC. 1470. Of the unobligated balances from prior year appropriations available for ''Independent Agencies, Delta Regional Authority'', $6,000,000 is rescinded.

SEC. 1471. Of the unobligated balances from prior year appropriations available for ''Independent Agencies, Denali Commission'', $15,000,000 is rescinded.

SEC. 1472. Within 30 days of enactment of this division, the Department of Energy; Corps of Engineers, Civil; Nuclear Regulatory Commission; and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

SEC. 1473. No rescission made in this title shall apply to any amount previously 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.

SEC. 1474. None of the funds made available by this division or prior appropriation Acts (other than Public Law 111–5) for Energy and Water Development may be used to pay the costs of employment (such as pay and benefits), or termination (such as severance pay), of any employee of the Department of Energy who is appointed, employed, or retained under the authority of, or using funds provided by, Public Law 111–5, or whose functions or operations (including programmatic or oversight responsibilities) are substantially or entirely funded under Public Law 111–5.

SEC. 1475. (a) None of the funds made available by this Act may be used to implement—

(1) Reasonable and Prudent Action Component 1, Reasonable and Prudent Action Component 2, or Reasonable and Prudent Action Component 3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the United States Fish and Wildlife Service and dated December 15, 2008; or

(2) Reasonable and Prudent Action IV.2.1 or Reasonable and Prudent Action IV.2.3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the National Marine Fisheries Service and dated June 4, 2009.

(b) None of the funds made available by this Act may be used to implement section 10004, 10005, 10006, 10009, or 10011 of Public Law 111–11.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 224, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Salaries and Expenses'' shall be $299,888,000, of which $102,613,000 shall be for terrorism and financial intelligence activities, and the requirements to transfer funds to the National Academy of Science and the funding designations related to executive direction program activities, economic policies and program activities, financial policies and program activities, Treasury-wide management policies and program activities, and administration program activities shall not apply to funds appropriated by this division.

SEC. 1502. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Department-wide Systems and Capital Investment Programs'' shall be $4,000,000.

SEC. 1503. Notwithstanding section 1101, the level for ''Department of Treasury, Office of Inspector General, Salaries and Expenses'' shall be $29,403,000.

SEC. 1504. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses'' shall be $36,300,000.

SEC. 1505. Notwithstanding section 1101, the level for ''Department of Treasury, Financial Crimes Enforcement Network, Salaries and Expenses'' shall be $108,927,000.

SEC. 1506. Notwithstanding section 1101, the level for ''Department of the Treasury, Financial Management Service, Salaries and Expenses'' shall be $232,838,000.

SEC. 1507. Notwithstanding section 1101, the level for ''Department of the Treasury, Bureau of the Public Debt, Administering the Public Debt'' shall be $184,658,000.

SEC. 1508. Of the unobligated balances available under the heading ''Department of

the Treasury, Treasury Forfeiture Fund'', $400,000,000 is rescinded.

SEC. 1509. Notwithstanding section 1101, the level for ''Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses'' shall be $99,831,000, and the first proviso under such heading shall not apply to funds appropriated by this division.

SEC. 1510. Notwithstanding section 1101, the level for ''Department of the Treasury, Community Development Financial Institutions Fund Program Account'' shall be $50,000,000 for financial assistance, technical assistance, training outreach programs, and administrative expenses, of which not less than $2,500,000 shall be for programs under sections 105 through 109 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4704–4708) designed to benefit Native communities; and the requirement to transfer funds to the Capital Magnet Fund and the funding designations for pilot project grants and administration shall not apply to funds appropriated by this division.

SEC. 1511. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Taxpayer Services'' shall be $2,187,836,000.

SEC. 1512. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Enforcement'' shall be $5,219,016,000.

SEC. 1513. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Operations Support'' shall be $3,856,894,000, and the funding designations for tax enforcement under such heading shall not apply to funds appropriated by this division.

SEC. 1514. Notwithstanding section 1101, and section 101 of division C of Public Law 111–117, the Secretary of the Treasury is authorized to transfer up to $83,211,000 of the funds appropriated to the Internal Revenue Service for ''Enforcement'' and ''Operations Support'' to ''Business Systems Modernization'' upon notification and approval of the House and Senate Committees on Appropriations.

SEC. 1515. Notwithstanding section 1101, section 105 of division C of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1516. None of the funds made available by this division may be used by the Internal Revenue Service to implement or enforce any amendment made to section 6041 of the Internal Revenue Code of 1986 by section 9006 of the Patient Protection and Affordable Care Act (Public Law 111–148).

SEC. 1517. (a) During fiscal year 2011, the Board of Governors of the Federal Reserve may not transfer more than $80,000,000 to the Bureau of Consumer Financial Protection for activities authorized to be carried out by the Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

(b) During fiscal year 2011, the Bureau of Consumer Financial Protection may not obligate more than $80,000,000 for such activities.

SEC. 1518. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, The White House, Salaries and Expenses'' shall be $56,186,000.

SEC. 1519. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Executive Residence at the White House, Operating Expenses'' shall be $13,146,000.

SEC. 1520. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration'' shall be $2,005,000.

SEC. 1521. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center'', $5,000,000 is rescinded.

SEC. 1522. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Council of Economic Advisors, Salaries and Expenses'' shall be $3,990,000.

SEC. 1523. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, National Security Council, Salaries and Expenses'' shall be $11,619,000.

SEC. 1524. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of Administration, Salaries and Expenses'' shall be $109,516,000.

SEC. 1525. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of Management and Budget, Salaries and Expenses'' shall be $88,220,000.

SEC. 1526. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses'' shall be $24,886,000.

SEC. 1527. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses'' for policy research and evaluation, $2,000,000 is rescinded.

SEC. 1528. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center'' shall be $0.

SEC. 1529. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to President, Unanticipated Needs'' shall be $0.

SEC. 1530. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation'' shall be $0.

SEC. 1531. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Special Assistance to the President, Salaries and Expenses'' shall be $4,374,000.

SEC. 1532. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Official Residence of the Vice President, Operating Expenses'' shall be $314,000.

SEC. 1533. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation'', $10,000,000 is rescinded.

SEC. 1534. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Other Federal Drug Control Programs'' shall be $96,425,000, of which $85,500,000 shall be for the Drug-Free Communities Program; $9,025,000 shall be for anti-doping activities; and the matter related to a national media campaign, the National Drug Court Institute, the United States Anti-Doping Agency, Model State Drug Laws and performance measures shall not apply to the funds appropriated by this division.

SEC. 1535. Notwithstanding section 1101, none of the funds appropriated by this division under heading ''Executive Office of the President and Funds Appropriated to the President'' shall be for an Assistant to the President for Energy and Climate Change, or any substantially similar position.

SEC. 1536. Notwithstanding section 1101, none of the funds appropriated by this division under the heading ''Executive Office of the President and Funds Appropriated to the President'' shall be for the Director of the Office of Health Care Reform, or any substantially similar position.

SEC. 1537. Notwithstanding section 1101, the level for ''The Judiciary, Supreme Court of the United States, Care of the Building and Grounds'' shall be $8,175,000.

SEC. 1538. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses'' shall be $4,860,585,000.

SEC. 1539. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'' shall be $52,410,000.

SEC. 1540. Notwithstanding section 1101, the level for ''The Judiciary, Administrative Office of the United States Courts, Salaries and Expenses'' shall be $82,575,000.

SEC. 1541. Notwithstanding section 1101, the level for ''The Judiciary, Federal Judicial Center, Salaries and Expenses'' shall be $27,078,000.

SEC. 1542. Notwithstanding section 1101, the level for ''The Judiciary, United States Sentencing Commission, Salaries and Expenses'' shall be $16,737,000.

SEC. 1543. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Court Security'' shall be $467,607,000.

SEC. 1544. The amount included in the second paragraph under the heading ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$4,785,000'' for ''$5,428,000''.

SEC. 1545. Of the unobligated balances available for ''The Judiciary, United States Sentencing Commission, Salaries and Expenses'', $100,000 is rescinded.

SEC. 1546. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is amended in the third sentence (relating to the District of Kansas) by striking ''19 years'' and inserting ''20 years''.

SEC. 1547. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the District of Columbia Courts'' shall be $235,660,000, of which $50,000,000 shall be for capital improvements.

SEC. 1548. (a) Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for School Improvement'' shall be $60,000,000, of which $24,500,000 shall be for the District of Columbia Public Schools, $20,000,000 shall be to expand quality public charter schools, and $15,500,000 shall be for opportunity scholarships, and the second reference to ''$1,000,000'' under such heading shall be applied to funds appropriated by this division by substituting ''$0''.

(b) The authority and conditions provided in the District of Columbia Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3181) under the heading described in subsection (a) shall apply with respect to the funds made available under this division, with the following modifications:

(1) The first proviso under such heading shall not apply.

(2) Notwithstanding the second proviso under such heading, the funds may be made available for scholarships to students, without regard to whether any student received a scholarship in any prior school year.

(3) The fourth proviso under such heading shall not apply.

(4) Notwithstanding the fifth proviso under such heading, the Secretary of Education shall ensure that site inspections of participating schools are conducted annually.

SEC. 1549. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the District of Columbia Water and Sewer Authority'' shall be $10,000,000.

SEC. 1550. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the Criminal Justice Coordinating Council'' shall be $1,800,000.

SEC. 1551. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the Office of the Chief Financial Officer for the District of Columbia'' shall be $0.

SEC. 1552. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Consolidated Laboratory Facility'' shall be $0.

SEC. 1553. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Housing for the Homeless'' shall be $10,000,000.

SEC. 1554. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Youth Services'' shall be $0.

SEC. 1555. Notwithstanding any other provision of this division, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this division.

SEC. 1556. Notwithstanding section 1101, the level for ''Independent Agencies, Christopher Columbus Fellowship Foundation, Salaries and Expenses'' shall be $500,000.

SEC. 1557. Notwithstanding section 1101, the level for ''Independent Agencies, Election Assistance Commission, Election Reform Programs'' shall be $0.

SEC. 1558. Notwithstanding section 1101, the level for ''Independent Agencies, General Service Administration, General Activities, Government-Wide Policy'' shall be $59,068,000.

SEC. 1559. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Deposit Insurance Corporation, Office of the Inspector General'' shall be $42,942,000.

SEC. 1560. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Labor Relations Authority, Salaries and Expenses'' shall be $24,500,000.

SEC. 1561. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, Electronic Government Fund'' shall be $2,000,000.

SEC. 1562. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, Federal Citizen Services Fund'' shall be $34,689,000.

SEC. 1563. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Election Commission, Salaries and Expenses'' shall be $65,835,000.

SEC. 1564. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Trade Commission, Salaries and Expenses'' shall be $288,783,000.

SEC. 1565. Notwithstanding section 1101, the level for ''Independent Agencies, Morris K. Udall and Stewart Udall Foundation, Morris K. Udall and Stewart Udall Trust Fund'' shall be $1,000,000.

SEC. 1566. Notwithstanding section 1101, the level for ''Independent Agencies, National Credit Union Administration, Community Development Revolving Loan Fund'' shall be $500,000.

SEC. 1567. Notwithstanding section 1101, the level for ''Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses'' shall be $100,000.

SEC. 1568. Notwithstanding section 1101, the level for ''Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses'' shall be $115,018,000, of which $500,000 shall be for the Virginia Graeme Baker Pool and Spa Safety Act grant program.

SEC. 1569. Of the unobligated balances available under the heading ''Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses'' for the Virginia Graeme Baker Pool and Spa Safety Act grant program, $2,000,000 is rescinded.

SEC. 1570. Notwithstanding section 1101, the level for ''Independent Agencies, Election Assistance Commission, Salaries and Expenses'' shall be $15,020,000, of which $2,345,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002 (Public Law 107–252), the level under such heading for the Help America Vote College Program shall be $0, and the level under such heading for a competitive grant program to support community involvement in student and parent mock elections shall be $0.

SEC. 1571. Of the unobligated balances available for ''Independent Agencies, Election Assistance Commission, Election Reform Programs'', $5,000,000 is rescinded.

SEC. 1572. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading ''Independent Agencies, General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue'' for Federal buildings and courthouses and other purposes of the Fund shall be $7,428,007,000, of which (1) $0 is for ''Construction and Acquisition''; and (2) $280,000,000 is for ''Repairs and Alterations'', of which $260,000,000 is for basic repairs and alterations and $20,000,000 is for fire and life safety programs.

SEC. 1573. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, General Activities, Operating Expenses'' shall be $71,381,000 and matters pertaining to the amount of $1,000,000 shall not apply to funds appropriated by this division.

SEC. 1574. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Operating Expenses'' shall be $336,372,000.

SEC. 1575. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Electronic Records Archives'' shall be $72,000,000, of which $52,500,000 shall remain available until September 30, 2013.

SEC. 1576. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Repairs and Restoration'' shall be $11,730,000.

SEC. 1577. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, National Historical Publications and Records Commission, Grants Program'' shall be $4,000,000.

SEC. 1578. Of the unobligated balances available under the heading ''Independent Agencies, National Archives and Records Administration, Repairs and Restoration'' $3,198,000 is rescinded, which shall be derived from amounts made available for a new regional archives and records facility in Anchorage, Alaska.

SEC. 1579. The amounts included under the heading ''Independent Agencies, Merit Systems Protection Board, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$39,000,000'' for ''$40,339,000''.

SEC. 1580. The amounts included under the heading ''Independent Agencies, Office of Personnel Management, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$101,270,000'' for ''$102,970,000''.

(2) By substituting ''$111,038,000'' for ''$112,738,000''.

SEC. 1581. The amounts included under the heading ''Independent Agencies, Office of Personnel Management, Office of Inspector General'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$2,136,000'' for ''$3,148,000''.

(2) By substituting ''20,428,000'' for ''21,215,000''.

SEC. 1582. Notwithstanding section 1101, the level for ''Independent Agencies, Office of Special Counsel, Salaries and Expenses'' shall be $18,300,000.

SEC. 1583. Of the unobligated balances available for ''Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses'', $1,500,000 is rescinded.

SEC. 1584. Notwithstanding section 1101, the level provided under section 523 of division C of Public Law 111–117 shall be $0.

SEC. 1585. Notwithstanding section 1101, the level for ''Independent Agencies, Small Business Administration, Salaries and Expenses'' shall be $408,438,000.

SEC. 1586. The amounts included under the heading ''Independent Agencies, United States Postal Service, Payment to the Postal Service Fund'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$103,905,000'' for ''$118,328,000''.

(2) By substituting ''$74,905,000'' for ''$89,328,000''.

(3) By substituting ''2011'' for ''2010''.

SEC. 1587. Notwithstanding section 1101, the level for ''Independent Agencies, Securities and Exchange Commission, Salaries and Expenses'' shall be $1,069,916,000 and the proviso pertaining to prior year unobligated balances shall not apply to funds appropriated by this division.

Mrs. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 243, line 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1588. Notwithstanding section 1101, the level for ''Independent Agencies, Selective Service System, Salaries and Expenses'' shall be $24,032,000.

□ 0040

AMENDMENT NO. 98 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 243, line 7, after the dollar amount, insert ''(reduced by $24,032,000)''.

Page 359, line 10, after the dollar amount, insert ''(increased by $24,032,000)''.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. I had hoped to be joined by Dr. PAUL, who is a coauthor of this amendment. Unfortunately given the very late hour, I'm not certain he'll make it. However, we're talking tonight about making cuts. We've heard in the earlier debate of programs that actually have constituencies, actually serve Americans: The COPS program which puts officers on the beat and helps with drug interdiction, drug prevention; the LIHEAP program providing financial assistance to families who can't afford to heat their homes. The list is long. But there are a few programs in the government which have no constituency and no purpose, and this is one of them. And somehow it escaped the knife, which I assume was just an oversight. So I'm hoping to persuade the committee to adopt this amendment. This is the expenditures for the Selective Service System of the United States of America, i.e., the draft boards. That is, if we believe that at some time in the future that the United States of America is going to reimpose the draft, then one might want to maintain this bureaucracy in deep standby. On the other hand, it might not, because the few times that this agency has attempted to test its capabilities with its obsolete computer systems, which could be surpassed by anything available publicly on the Internet, they showed that they couldn't have conducted a legal draft. And even if they could have conducted a legal draft, we no longer have a surge capacity at our training bases so we would be drafting people for no purpose. Beyond that, I don't think there are many in this House who believe that we are going to go back to having a draft. The Pentagon doesn't want to go back to a draft. The Pentagon has said time and time and time again they believe in an all-volunteer military; the all-volunteer military is superior to forced enlistment, as in the years of the draft. We're a higher quality, we're using significant incentives to get people to enlist in the military, and we have the best military in the world as a result.

So why would we maintain this bureaucracy? Here's what they spent $25 million on, or intend to, this year. It will be used for expenses of attendance at meetings. For purchase of uniforms. Now beyond me, I'm not certain what the uniforms are. I served actually on a draft board once and we didn't have uniforms. I don't know. I guess now we've got uniforms for people who are going to go sit somewhere and hear claims, if we ever reimpose the draft. I really don't know who they're purchasing uniforms for or what the purpose might be or what a Selective Service member's uniform might look like. They also will hire passenger motor vehicles and for official reception and representation expenses—all for a dead bureaucracy that does nothing and never will do anything.

Now, colleagues, truly if we are serious here, if we are in a crisis and we're going to cut programs that actually have large constituencies; my phone's been ringing off the hook about public broadcasting. Other people are hearing about other programs. Here's one where you're not going to get a single call except maybe a thank-you if you eliminate this useless bureaucracy that will never be activated for any purpose, foreseeable, in the future.

Colleagues, we have twice actually in the House voted to end the Selective Service System: in 1993 when Democrats were in control and in 1999 when the Republicans were in control. Unfortunately, the termination of the program never became law. Now is the time. Now is the time. I'm just dedicating the money to deficit reduction. It could be used to restore some meritorious spending elsewhere within this title by somebody else.

With that, I would yield back the balance of my time and urge my colleagues to end this useless bureaucracy.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Thank you, Mr. Chairman.

While most would hope that we would never need to use the draft again, I think this agency is an important insurance policy against unforeseen threats. If we eliminate the Selective Service System, it would take us over a year to draft men into military service, whereas now it would take 90 to 120 days. And in any kind of an emergency, wartime situation, this could be disastrous. Further, we're almost 6 months into the budget year and the Selective Service has already spent money on salaries and expenses, so we really can't take all of their money away. This is a small agency with the potential to avert a crisis, should the draft ever be reinstated.

I urge a ''no'' vote on this amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The Selective Service is a readiness issue. If we don't have the process all set up, it would take 2 years to restore it. And if we're in a national emergency—that's why we put the Selective Service thing in place—because if we were in a national emergency and we had to get more people and we couldn't do it through the all-volunteer force, we have to have a way to do it.

And so we put this in place several years ago. It was very bipartisan at the time. I can understand the gentleman's skepticism, but this is the first we've heard of this. I think it would be better for the committee to look at this and maybe have a hearing on this and then we can address it again in the 2012 bill.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1589. Notwithstanding section 1101, the level for ''Independent Agencies, United States Tax Court, Salaries and Expenses'' shall be $52,093,000, of which $2,852,000 shall be for security improvements.

SEC. 1590. Section 814 of division C of Public Law 111–117 shall be applied to funds appropriated by this division by striking ''Federal''.

SEC. 1591. (a) Notwithstanding section 1101, and section 810 of division C of Public Law 111–117, none of the funds contained in this division may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this division and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this division.

TITLE VI—HOMELAND SECURITY

SEC. 1601. Within 30 days after the date of enactment of this division, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for fiscal year 2011 that displays the level of funding by program, project, and activity consistent with the table of detailed funding recommendations contained at the end of the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

SEC. 1602. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Secretary and Executive Management'' shall be $136,818,000.

SEC. 1603. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Under Secretary for Management'' shall be $239,933,000.

SEC. 1604. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Chief Information Officer'' shall be $333,393,000, of which not less than $77,788,000 shall be available for data center development and migration.

SEC. 1605. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding'' shall be $0.

SEC. 1606. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses'' shall be $8,212,626,000: *Provided*, That for fiscal year 2011, the Border Patrol shall maintain an active duty presence of not fewer than 20,500 full-time equivalent agents throughout the fiscal year.

SEC. 1607. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection,

Automation Modernization'' shall be $341,575,000, of which $153,090,000 shall be for the Automated Commercial Environment.

SEC. 1608. (a) Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'' shall be $450,000,000.

(b) Paragraph (11) of the first proviso and the third and fourth provisos under the heading ''Border Security Fencing, Infrastructure, and Technology'' of Public Law 111–83 shall not apply to funds appropriated by this division.

SEC. 1609. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement'' shall be $516,326,000.

SEC. 1610. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction and Facilities Management'' shall be $241,040,000.

SEC. 1611. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses'' shall be $5,399,894,000: *Provided*, That U.S. Immigration and Customs Enforcement shall maintain a level of not fewer than 33,400 detention beds throughout fiscal year 2011.

SEC. 1612. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Automation Modernization'' shall be $75,000,000.

SEC. 1613. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction'' shall be $0.

SEC. 1614. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Aviation Security'' shall be $5,113,796,000: *Provided*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: by substituting ''$5,113,796,000'' for ''$5,214,040,000''; by substituting ''$4,121,329,000'' for ''$4,358,076,000''; by substituting ''$607,891,000'' for ''$1,116,406,000''; by substituting ''$992,467,000'' for ''$855,964,000''; by substituting ''$291,266,000'' for ''$778,300,000''; by substituting ''9 percent'' for ''28 percent''; and by substituting ''$3,013,796,000'' for ''$3,114,040,000'': *Provided further*, That none of the funds in this division 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 not later than August 15, 2011, the Secretary of Homeland Security shall submit a detailed report on (1) the Department's efforts and the 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, and (2) how the Transportation Security Administration is deploying its existing screener workforce in the most cost-effective manner.

SEC. 1615. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Surface Transportation Security'' shall be $105,961,000.

SEC. 1616. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Transportation Threat Assessment and Credentialing'' shall be $162,999,000.

SEC. 1617. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'' shall be $988,638,000: *Provided*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for intelligence and international programs shall be no less than the level provided for such purposes for fiscal year 2010: *Provided further*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for headquarters administration and information technology shall not exceed $705,239,000.

SEC. 1618. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Federal Air Marshals'' shall be $934,802,000.

SEC. 1619. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Operating Expenses'' shall be $6,885,432,000 of which $241,503,000 is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress), and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress): *Provided*, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, and one Maritime Safety and Security Team, and may make necessary staffing adjustments at the Coast Guard Investigative Service and other support units, as specified in the budget justification materials for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Coast Guard shall submit a future-years capital investment plan, as specified in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), for fiscal years 2012 through 2016 to the Committees on Appropriations of the Senate and House of Representatives in conjunction with the budget justification materials for fiscal year 2012.

SEC. 1620. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'' shall be $1,427,783,000, of which $42,000,000 shall be for vessels, small boats, critical infrastructure, and related equipment; of which $36,000,000 shall be for other equipment; of which $49,200,000 shall be for shore facilities and aids to navigation facilities; of which $106,083,000 shall be available for personnel compensation and benefits and related costs; and of which $1,194,500,000 shall be for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $101,000,000 is for aircraft and $938,000,000 is for surface ships.

SEC. 1621. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Alteration of Bridges'' shall be $0.

SEC. 1622. Notwithstanding section 1101, the level for ''Department of Homeland Security, United States Secret Service, Salaries and Expenses'' shall be $1,499,669,000.

SEC. 1623. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, Management and Administration'' shall be $43,577,000.

SEC. 1624. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'' shall be $805,965,000.

SEC. 1625. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, United States Visitor and Immigrant Status Indicator Technology'' shall be $334,613,000.

SEC. 1626. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of Health Affairs'' shall be $134,250,000.

SEC. 1627. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Management and Administration'' shall be $773,350,000, of which $0 shall be for capital improvements at the Mount Weather Emergency Operations Center.

SEC. 1628. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' shall be $2,149,500,000: *Provided*, That of the amount provided by this division for the State Homeland Security Grant Program under such heading, $50,000,000 shall be for the Driver's License Security Grant Program and $10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this division for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: in paragraph (1), by substituting ''$900,000,000'' for ''$950,000,000''; in paragraph (2), by substituting ''$800,000,000'' for ''$887,000,000''; in paragraph (3), by substituting ''$0'' for ''$35,000,000''; in paragraph (5), by substituting ''$0'' for ''$13,000,000''; in paragraph (6), by substituting ''$100,000,000'' for ''$300,000,000''; in paragraph (7), by substituting ''$100,000,000'' for ''$300,000,000''; in paragraph (8), by substituting ''$5,000,000'' for ''$12,000,000''; in paragraph (9), by substituting ''$0'' for ''$50,000,000''; in paragraph (10), by substituting ''$0'' for ''$50,000,000''; in paragraph (11), by substituting ''$0'' for ''$50,000,000''; in paragraph (12), by substituting ''$0'' for each amount in such paragraph; in paragraph (13), by substituting ''$203,500,000'' for ''$267,200,000''; in paragraph (13)(A), by substituting ''$112,500,000'' for ''$164,500,000''; in paragraph (13)(B), by substituting ''$0'' for ''$1,700,000''; and in paragraph (13)(C), by substituting ''$0'' for ''$3,000,000'': *Provided further*, That 4.5 percent of the amount provided for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' by this division shall be transferred to ''Department of Homeland Security, Federal Emergency Management Agency, Management and Administration'' for program administration.

□ 0050

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 253, line 6 be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1629. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Firefighter Assistance Grants'' for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), shall be $300,000,000, of which

$30,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $0 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

AMENDMENT NO. 223 OFFERED BY MR. PASCRELL

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 12, after the first dollar amount, insert ''(increased by $510,000,000)''.

Page 253, line 12, after the second dollar amount, insert ''(increased by $90,000,000)''.

Page 253, line 14, after the dollar amount, insert ''(increased by $420,000,000)''.

Page 255, line 21, after the dollar amount, insert ''(reduced by $510,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. Mr. Chairman, as a former mayor, I have always believed that our Nation's first responders constitute both our first and our last line of defense for the American people. This continuing resolution before us today fails our first responders. Regrettably, we are treating these public safety officers as being non-security, discretionary spending and have subjected them to drastic cuts.

Real homeland security starts on our streets. We all remember on 9/11 when we were attacked on our own soil. It was our brave cops and firefighters who ran into the burning buildings. The Federal Government was not there. To say that funding our cops and firefighters is not national security spending is ludicrous. Our brave local police officers and firefighters who protect our streets day and night are the very essence of our national security.

Earlier in the process we debated the COPS Program. An amendment tonight restores critical funding for its counterpart, the FIRE Act and the SAFER Grant programs. The continuing resolution significantly reduces funding for the FIRE Act and eliminates all funding for SAFER grants, over $510 million in cuts in total. This would absolutely be devastating for our public safety professionals who rely on this funding for the equipment and personnel they need to protect our communities.

The FIRE and SAFER grants help local fire departments equip, train and maintain their personnel, preparing them to respond to all forms of an emergency. And things changed, didn't they, after 9/11? An independent evaluation of the FIRE program published by the U.S. Fire Administration concluded that it was highly effective in improving the readiness and capabilities of firefighters across the Nation.

I may add, Mr. Chairman, that the FIRE programs and the COPS programs are among the highest efficiency and most effective programs run by the Federal Government. The money goes directly to the communities, so States can't skim off the top. They are effective and they are competitive, and no one has challenged that in 10 years.

SAFER has been critical to many local departments who, as a result of recent economic downturns, have been forced to cut personnel and services.

What effect would cuts to these programs have? Let's go to the real world and not the video.

Bethesda Volunteer Fire Department in Coleman, Alabama, they used the FIRE grant to purchase personnel protective equipment which now allows them to enter a burning structure to search for victims and to extinguish the fires. Previously, the department did not have the proper equipment to do this. Today they have greatly reduced the amount of total-loss structures in their region.

North County Fire Protection District in Holbrooke, California, they were able to purchase emergency backup power generators. During the 2007 San Diego firestorms, power failed throughout the community early on the first day and was not completely restored in the community for 2 weeks. The emergency power generators they purchased with their FIRE grant allowed them to keep all of the facilities fully functional.

Before the Belle Chasse Volunteer Fire Department in Belle Chasse, Louisiana, received a SAFER grant in 2008, the department could not comply with the National Fire Protection Association standards. There is such a thing. Before we cut something, we should know what the alternatives are. Its initial alarm assignment capability was only 20 percent in that time. That insufficient level of service put the communities and the volunteer firefighters at considerable risk for injury or even the loss of life.

Thanks to a SAFER grant, the department was able to hire 45 firefighters, increase the rate of compliance, and it is now estimated that the compliance is 90 percent and they have increased their initial alarm dispatch with three more engine companies.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. PASCRELL was allowed to proceed for 1 additional minute.)

Mr. PASCRELL. Together, FIRE and SAFER grants have provided over $7 billion in firefighter jobs, equipment and training for local fire departments. It is serious business. We are talking life and limb, and we are talking about property here. To me, cutting these critical programs is wrong, especially when local fire department budgets are already strained. We are facing it in all of our districts. You know that.

My amendment restores the funding for FIRE and SAFER to their fiscal 2010 amounts: $390 million for FIRE, $420 million for SAFER. Because of the rule, we are forced to reluctantly take funding from DHS Science and Technology. If this amendment passes, I hope we can restore some of the funding during conference.

I hope that both sides will come together on this. It has bipartisan support. We need to protect our firefighters.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, this CR strikes the right balance between funding priority programs that are essential to our Nation's security and keeping our discretionary spending in check. Let me just say that $300 million is included in this CR for fire equipment, and this only applies to the SAFER grants. As has been stated, there are no funds in the bill for SAFER grants.

Just 5 years ago, this program was funded at $65 million, but last year it had ballooned to $420 million and included a waiver for the cost-share requirements with local governments. In 2009, Congress provided $210 million for the SAFER grants, supporting 1,236 jobs at the high cost of $170,000 per job.

In the just-released FY12 request, the Department of Homeland Security plans to create or retain 2,200 firefighters at a cost of $190,000 per job. This seems unrealistic at a time when our Nation faces serious fiscal constraints. While we all know local budgets are under fiscal pressures, the hiring of local firefighters at a cost of $190,000 per job should not be borne by the Federal Government. These cuts will not be easy, but they are long overdue and necessary to address our out-of-control Federal spending.

Beyond this, the proposed offset is not prudent and ignores the fact that this CR has already cut the Science and Technology Directorate funding. This enormous reduction to a budget that barely amounts to $1 billion would absolutely be devastating.

□ 0100

S&T is the single organization within the Department of Homeland Security that performs research and stimulates and funds related research initiatives within the private sector—to include work underway at the Transportation Security Laboratory in New Jersey and at the Pacific Northwest Laboratory. The projects that this funding supports are crucial to the homeland mission, and this cut will either significantly slow or end their progress.

I would urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in qualified support of this amendment.

The bill before us eliminates the firefighter hiring program, known as SAFER, and it reduces funding for grants to purchase fire equipment by 23 percent. If adopted, these cuts will result in over 2,400 firefighters being laid

off in 2011 and prevent fire departments from purchasing equipment, breathing apparatus, and protective gear that our firefighters depend on during a time of emergency. This is simply not acceptable.

During my tenure as chairman of the Homeland Security Appropriations Committee, we ensured that not only was funding providing for these critical firefighter programs, but that these dollars could be used flexibly in this time of economic stress to retain firefighters that might lose their jobs, to rehire firefighters that have been laid off due to economic conditions, as well as to hire new firefighters.

Repeatedly, I hear from communities that were able to use funds for these purposes. For example, in Plaquemines Parish, Louisiana, SAFER funding was used to hire and retain a total of 73 firefighters, ensuring that seven departments had salaried firefighters and that 12 parish fire stations could be manned 24 hours a day, 7 days a week.

The North Las Vegas Fire Department was able to hire 15 new firefighters with a SAFER grant, permitting them to open an eighth fire station, thereby reducing response times and enhancing the level of protection for city residents as well as the millions of visitors to Las Vegas.

Spanish Forth, Alabama, recently received a SAFER grant that allowed them to retain their whole roster of firefighters instead of letting some go. Collinsville, Illinois, received a recent grant, allowing them to retain five firefighters who otherwise would have been laid off.

Retaining this funding, Mr. Chairman, preserves government services that are critical to our public safety and security. Local governments are already facing serious budget constraints. The CR simply exacerbates the layoffs we're already seeing with public safety personnel. This amendment will help keep thousands of firefighters on the job.

Mr. Chairman, I must express some reservations about how the increase in firefighter grants is paid for in this amendment. The gentleman's amendment drastically reduces funding for research and development activities throughout the Department of Homeland Security. It's not desirable or wise to cut the Department's research and development budget so much. But, unfortunately, the majority has prevented us from paying for these amendments from other parts of the bill, and the overall allocation for Homeland Security and the rest of the domestic agencies is completely inadequate.

So I support this amendment, but I'll work diligently to restore these funding cuts as the bill progresses and we get down to responsible budgeting in negotiations with the Senate and the White House.

Mr. Chairman, Members have a choice to make: Support this amendment and support your local firefighters, or vote ''no'' and see a decline in critical first responder personnel in this country and in the options available to hard-pressed local communities.

I urge my colleagues to vote ''yes'' on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. I yield to the chairman of the subcommittee.

Mr. ADERHOLT. Let me say, Mr. Chairman, that I realize the importance that these grants do contribute, and the bottom line right now is we simply can't afford it in the position we're in right now. As we move forward for the FY12 budget, I'll be happy to work with the ranking member of the subcommittee and the gentleman from New Jersey as we move forward to try to work on this. But the bottom line is today we cannot afford this at this point, but I certainly would look forward to working with both of them as we move forward in FY12.

At the end of the day, on the amendment today, I do urge my colleagues to oppose the amendment that we have before us.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PASCRELL. To zero out one of the most effective and efficient programs in the Federal Government—and all objective observers have come to that conclusion. And yes, we do have to cut. That's why we're here. But we don't have to cut what is an essential service when we know what the results of this legislation have brought. I have been on Homeland Security from day one. I think I know it. But that's beside the point.

Today, we know what the results have been of this legislation. So, for the 2,400 firefighters right off that bat that would be laid off, because this is a 3-year plan, there's certain matches that have to go into it. Those matches have been reduced so that other local communities can get involved.

When we see what happens with many Federal programs that go through States and never wind up to do what they have to do, this stands out above everything else. It is not enough for us to pat firefighters on the back, to bring our grandkids to get up on the fire engines when we are pulling the rug out from under them.

When this passed 10 years ago, there were fire companies throughout the United States that had to push their equipment to the fire. We are here at 1 o'clock in the morning questioning that this is not a priority of ours and we can't afford this right now. I can tell you what we can't afford. We can't afford other things in other places, but we need to protect our first responders. If we meant what we said on 9/12/2001, then we need to do something right now to protect them.

This is a visceral subject, there's no question about it. I have not heard one argument where this legislation has let us down one iota. In fact, it has delivered what it said it was going to deliver.

Whether you be volunteers or career firefighters, you are assisted by the SAFER bill, and we made it that way. When you look at the FIRE Act itself, that act went to all the small departments. In fact, we skewed it. The first 2 years of the program was to go to smaller fire departments, not to big cities, and we followed through on that.

Do you know how these applications are evaluated? They're evaluated by peers. It costs us very little to do it. That's why it's efficient as well as an effective program. We should all belong to the Police Caucus and the Fire Caucus. They don't need our pats on the back. They don't need our words of inspiration. What they need is some help to put enough people out there.

These are people's lives we're talking about. How dare we even consider. You talk about 6 years ago. The conditions of our municipalities large and small are quite different now than they were 6 years ago. They're laying off cops and firefighters.

Someone mentioned when we were discussing the COPS program earlier this evening—last night—they were talking about what happened in Camden, New Jersey. They're laying off half the fire department and half the police department. Don't we have some responsibility in this?

And, by the way, that part of Homeland Security which protects the Nation and protects them through our first responders, since they're the fire people there, God knows, when a catastrophe occurs, what, are we putting the brakes on that? Are we going out on recess? These are the line between us and perhaps disaster. We cannot.

Much of the equipment that was bought in the FIRE Act, competitive bidding, much of that equipment saved lives already. Most of the firefighters—all of the firefighters—who were hired, because we wanted to give someone in every town some edge when they were down below the ranks that they should have, those firefighters save lives.

□ 0110

Mr. Chairman, we need bipartisan support on this amendment. It is good for America, and it works. No one has questioned that this evening.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New Jersey will be postponed.

Mr. ADERHOLT. Mr. Chairman, I ask unanimous consent that the bill through page 263, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1630. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Emergency Management Performance Grants'' shall be $300,000,000.

SEC. 1631. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Disaster Relief'' shall be $3,165,000,000.

SEC. 1632. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of $110,000,000, and for agents' commissions and taxes in excess of $963,339,000: *Provided*, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be $169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed $22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $146,855,000 shall be available for floodplain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 1633. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund'' shall be $65,000,000.

SEC. 1634. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Emergency Food and Shelter'' shall be $100,000,000.

SEC. 1635. Notwithstanding section 1101, the level for ''Department of Homeland Security, United States Citizenship and Immigration Services'' shall be $275,776,000, of which $151,376,000 is for processing applications for asylum and refugee status, and of which $103,400,000 shall be for the E-Verify Program: *Provided*, That none of the funds made available under this heading may be used for grants for immigrant integration.

SEC. 1636. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Law Enforcement Training Center, Acquisitions, Construction, Improvements, and Related Expenses'' shall be $38,456,000.

SEC. 1637. Notwithstanding section 1101, the level for ''Department of Homeland Security, Science and Technology, Management and Administration'' shall be $141,200,000.

SEC. 1638. Notwithstanding section 1101, the level for ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'' shall be $778,906,000: *Provided*, That the final proviso included under the heading ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'' in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) shall have no force or effect.

SEC. 1639. Notwithstanding section 1101, the level for ''Department of Homeland Security, Domestic Nuclear Detection Office, Management and Administration'' shall be $36,992,000.

SEC. 1640. Notwithstanding section 1101, the level for ''Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations'' shall be $293,537,000.

SEC. 1641. (a) Section 560 of Public Law 111–83 shall not apply to funds appropriated by this division.

(b) Upon completion of 50 percent of design planning for the National Bio- and Agro-Defense Facility, and prior to construction of that facility, the Department of Homeland Security shall submit 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.

(c) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (b) 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.

(d) 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 (b). 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. 1642. Section 503 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) is amended by adding at the end the following:

''(e) The notification thresholds and procedures set forth in this section shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.''.

SEC. 1643. For fiscal year 2011, sections 529, 541, and 545 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2174, 2176) shall have no force or effect.

SEC. 1644. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2010,'' and inserting ''Until September 30, 2011,''; and

(2) in subsection (d)(1), by striking ''September 30, 2010,'' and inserting ''September 30, 2011,''.

SEC. 1645. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2010'' and inserting ''2011''.

SEC. 1646. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Operations'', $1,891,657;

(2) ''Violent Crime Reduction Program'', $4,912,245;

(3) ''U.S. Customs and Border Protection, Salaries and Expenses'', $21,210,423; and

(4) ''Office for Domestic Preparedness'', $10,568,964.

SEC. 1647. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2174) are rescinded: $886,665 from ''Office of the Secretary and Executive Management''; $604,342 from ''Office of the Under Secretary for Management''; $24,379 from the ''Office of the Chief Financial Officer''; $29,741 from ''Office of the Chief Information Officer''; $218,173 from ''Analysis and Operations''; $76,498 from ''Office of the Federal Coordinator for Gulf Coast Rebuilding''; $197,272 from ''Office of Inspector General''; $11,373,129 from ''U.S. Customs and Border Protection, Salaries and Expenses''; $691,552 from ''U.S. Immigration and Customs Enforcement, Salaries and Expenses''; $2,555,962 from ''Transportation Security Administration, Federal Air Marshals''; $8,617,331 from ''Coast Guard, Operating Expenses''; $2,965,312 from ''Coast Guard, Reserve Training''; $83,784 from ''National Protection and Programs Directorate, Management and Administration''; $551,737 from ''National Protection and Programs Directorate, Infrastructure Protection and Information Security''; $704,700 from ''United States Secret Service, Salaries and Expenses''; $863,628 from ''Federal Emergency Management Agency, Management and Administration''; $864,660 from ''Office of Health Affairs''; $7,945,983 from ''United States Citizenship and Immigration Services''; $960,828 from ''Federal Law Enforcement Training Center, Salaries and Expenses''; $353,524 from ''Science and Technology, Management and Administration''; and $45,468 from ''Domestic Nuclear Detection Office, Management and Administration''.

SEC. 1648. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization'', $10,000,000.

(2) ''Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'', $119,000,000.

(3) ''Department of Homeland Security, Office of Health Affairs'', $5,562,000.

(4) ''Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund'', $18,173,641.

(5) ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'', $8,500,000.

(6) ''Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations'', $17,100,000.

(7) ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'', $1,122,000.

SEC. 1649. Of the unobligated balances available for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction'' for construction projects, $106,556,000 is rescinded: *Provided*, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities as recommended by the Department of Homeland Security in the fiscal year 2011 budget request.

SEC. 1650. Of the unobligated balances made available under section 44945 of title 49, United States Code, $800,000 is rescinded.

SEC. 1651. Of the unobligated balances available for ''Department of Homeland Security, Transportation Security Administration'', $15,000,000 is rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 1652. Of the unobligated balances available for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'', the following amounts are rescinded:

(1) $6,000,000 from Next Generation Networks.

(2) $9,600,000 to be specified in a report submitted by the Secretary of Homeland Security to the Committees on Appropriations of the Senate and the House of Representatives no later than 15 days after the date of enactment of this division, that describes the amounts rescinded and the original purpose of such funds.

SEC. 1653. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, $22,600,000 is rescinded.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALDERHOLT) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON ETHICS FOR THE 112TH CONGRESS

Mr. BONNER. Mr. Speaker, I submit for publication the attached copy of the Rules of the Committee on Ethics for the U.S. House of Representatives for the 112th Congress. The Committee on Ethics adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 15, 2011. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 112th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) ''Committee'' means the Committee on Ethics.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigate,'' ''Investigating,'' and/or ''Investigation'' mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) ''Board'' means the Board of the Office of Congressional Ethics.

(f) ''Referral'' means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. §1001.

(g) The Office of Advice and Education shall prepare for the Committee a response