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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

You, O God, are a shield for America. Because of Your mercy and power, we lift our heads with optimism. When we cry aloud to You during our moments of exasperation, You answer us from Your holy mountain.

As we anticipate an across-the-board set of budget cuts becoming law in our land, we still expect to see Your goodness prevail. We remain unafraid of what the future holds because You have promised to never leave or forsake us. Rise up, O God, and save us from ourselves. Pour Your wisdom upon our lawmakers so that they will do Your will.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business for 1 hour. The Republicans will control the first half, the majority the final half. Following morning business, the Senate will resume consideration of the American Family Economic Protection Act.

At a time to be determined today, there will be two cloture votes on the motions to proceed to S. 388 and S. 16, which are the Democratic and Republican sequestration bills. Senators will be notified when the votes are scheduled. I will work that out with Senator MCCONNELL.

FAREWELL TO RICK DEBOBES

Mr. REID. Mr. President, today the Senate says goodbye to a valued and accomplished staff member, Rick DeBobes, who is retiring after 10 years as staff director for Senator LEVIN in the Armed Services Committee.

Rick came to the Senate more than two decades ago, after a distinguished 26-year career as a judge advocate in the U.S. Navy. He spent his entire Capitol Hill career with the same committee—that committee being the Armed Services Committee—a rare occurrence in the Senate. He worked first for Chairman Sam Nunn and then Chairman CARL LEVIN.

For the last decade, Rick has led the committee's oversight of two of our longest running wars ever—Iraq and Afghanistan—working to reward the dedication of military personnel and their families.

Under Chairman LEVIN's guiding hand, he has also filled the staff of the Armed Services Committee with the next generation of national security professionals.

Rick's expertise, integrity, and commitment to public service will be missed by Democrats, Republicans, and our country. On behalf of the Senate community, I thank him for his service and wish him well in his retirement.

THE SEQUESTER

Mr. REID. Mr. President, Rick's departure from the Senate Armed Services Committee comes during a trying time for our Nation's military, as deep across-the-board spending cuts are set to strike hundreds of thousands of civilian employees at the Defense Department who will be furloughed in the coming weeks and months. Families and businesses across the country are also bracing for the pain of deep cuts in programs that keep our food safe, our water clean, and our borders secure.

But it is not too late to avert these damaging cuts, and cuts for which the overwhelming majority of Republicans in both the House and Senate voted—174 in the House, 28 here in the Senate. We believe we have a balanced plan to remove the threat of the sequester, fully paid for.

Our proposal would reduce the deficit by making smart spending cuts, and it would also close wasteful tax loopholes allowing companies that outsource jobs to China or India to claim tax deductions for doing so.

Our plan would stop wasteful subsidies to farmers, some of whom don't even farm anymore. That is right, there are some farmers who grew rice decades ago, who still get payments from the Federal Government for rice they do not grow. Chairman STABENOW

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

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has led the effort to make sure that won't happen anymore, and that is part of our legislation.

Our bill would also ask the wealthiest among us—those making, for example, $5 million a year—to pay a minimum of 30 percent in taxes. I don't think that is too outrageous. It is called the Buffet rule because that multibillionaire said he should pay as much in taxes as his secretary, which he doesn't. So this legislation would make it more fair in that regard.

Almost 60 percent of Republicans around the country favor this balanced approach, revenue from the richest of the rich and continuing with governmental cuts. This proposition would ask millionaires and billionaires and wealthy corporations to contribute a tiny fraction more, as I have already indicated.

And everybody agrees—Republicans around the country and about 80 percent of the American people agree—it is the right thing to do. Almost 60 percent of Republicans around the country agree it is the right thing to do. The only Republicans in America who don't agree are those who serve in Congress.

Republicans in Congress are going after our proposal because it goes after their special interests. Now, after days of infighting, Senate Republicans have announced their plan. But instead of replacing the pain of sequester with something smarter and more responsible, their plan would embrace these devastating cuts while abandoning any of the responsibility that goes along with them.

One of the Senators in our caucus we had on Tuesday said the Republican plan we thought was coming—and it did—would be like being told you have to have three fingers cut off, and their proposal is to send this to the President and have him decide which finger is going to go first.

Republicans call the plan ''flexibility.'' Let's call it what it is: It is a punt. They are punting. As President Obama said yesterday, it would simply raise the question: ''Do I end funding that helps disabled children or poor children? Do I close this naval shipyard or that one?''

The Republican plan is not a solution. And even members of the Senate Republican Caucus have questioned the wisdom of this proposal, and they have said so publicly. Why would the Republicans, part of the legislative branch of government, cede more power to the White House?

The Republicans should give Congress true flexibility—the flexibility to cut wasteful subsidies, the flexibility to close unnecessary tax loopholes, and the flexibility to ask the richest of the rich to contribute a little bit more. Instead, they have become completely inflexible, insisting we risk hundreds of thousands of American jobs as well as programs that strengthen families and small businesses across the Nation.

I am sorry to say that should come as no surprise. As usual, the Republicans have put the demands of special interests and protection of the richest of the rich—people making up to $5 million a year and not being asked to contribute 30 percent of what they make—over the needs of the American people, especially the middle class.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Republican whip.

THE SEQUESTER

Mr. CORNYN. Mr. President, here we are again, on the eve of this administration's latest manufactured crisis. Tomorrow, as we all know—anybody who has been paying attention knows—the sequester will go into effect. And if we believe the majority leader, the President, and his Cabinet, this will be devastating for our economy and for our country. But I wish to suggest that the majority leader, the President, and his Cabinet put down the beltway Koolaid, because they are predicting a disaster that will not occur.

Let's put the responsibility for this where it lies. The sequester was the President's idea in the first place. As much as he and his press secretary and staff try to deny it, the fact is, as he wrote in his recent book, Bob Woodward has made the point that they told him it was their idea. The White House proposed it to Congress and the President signed it into law on August 2, 2011.

In the year and a half since the Budget Control Act became the law of the land, the President has done virtually nothing—nothing—about it. He has ignored it. He suggested during the Presidential campaign that the sequester would not happen, and it was as if he tried to simply wish it away. Certainly we know one thing, and that is neither the President nor his Cabinet nor the Defense Department nor any part of his administration has done anything to plan for it—no planning whatsoever—which, of course, makes the implementation more challenging, to be sure.

At times, the President has pretended the sequester didn't even exist, even though he signed it into law, such as when the Department of Labor notified government contractors they didn't have to abide by another Federal law called the WARN Act, which requires them to notify their employees of potential layoffs that could result from sequestration. The timing, it seems, was inconvenient. Those notices would have gone out roughly around November 1, just 5 days before the last election.

To be sure, there is bipartisan consensus the sequester is ham-fisted. These across-the-board cuts don't amount to smart budgeting. But what would we expect after nearly 4 years of no budgeting? And what I mean by that, as this chart reflects, is that it has been 1,401 days since the Senate, under Democrat control, has passed a budget. This is a shameful record and one that needs to be rectified as soon as possible.

We are now told the President himself has missed his statutory deadline for sending his proposed budget for the year over to Congress. That deadline was February 4. And now they are saying we may not get it until after we have had to act ourselves on a budget. So they are predicting it will be roughly 7 weeks late.

Well, no one could argue with a straight face—contrary to the doom and gloom and the apocalyptic predictions—that 2.4-percent cuts from our anticipated $3.6 trillion annual spending amounts to devastation or the end of Western civilization or whatever sort of apocalyptic terms you want to use. So let's look at what 2.4 percent in cuts would mean to the average American family.

If you use 100 gallons of gasoline to run your car every month and you had to cut that back by 2.4 percent, that means you would be able to use 97.6 gallons of gas.

If you have a $250-a-month grocery budget, you would need to find $6 in savings. And on a monthly utility bill of, let's say, $175, you would have to trim it down by $4.20.

These are the kinds of cuts the American people have had to make for themselves during the recession of 2008 and due to slow growth and high unemployment since then. Yet President Obama is either unwilling or unable to propose similar cuts to replace the sequester.

If he doesn't like it, well, let's have his proposal for how he would fix it since he signed it into law. Instead, what we get is a proposal that we will vote on this afternoon from our friends across the aisle that would just raise more taxes after one of the largest tax increases in American history as a result of the fiscal cliff negotiations just in late December.

So the President is content to push through more spending to grow the size of government, notwithstanding the fact that the Federal Government is now spending more money than it ever has as a percentage of our economy. And we have $16.5 trillion in debt. We have important programs such as Medicare and Social Security that are unsustainable—unless Congress and the President act on a bipartisan basis.

This is not a mystery. This is not something that Republicans know that Democrats don't know; we all know it; and the President knows it because his own bipartisan fiscal commission told him in December 2010.

According to the Congressional Budget Office, the White House-backed bill offered by our Senate Democratic friends to replace the sequester would actually raise the deficit this year by tens of billions of dollars. Now, you may be wondering about that, thinking that the sequester was supposed to cut spending. But, actually, the proposal made by our friends across the aisle would raise the deficit this year by tens of billions of dollars—not exactly what I would call progress. It is absolutely ludicrous, especially when we consider that even with the sequester spending by the Federal Government will still be higher this year than it was last year.

Let me repeat that in case people weren't listening. Even with the spending cuts mandated by the sequestration, $85 billion in cuts, this administration will still have more money to spend this year than last year. It is hard to see how that would wreak devastation. Yet last year we didn't see planes falling out of the sky, we didn't see empty supermarket shelves for lack of safe food, nor did we see the national parks shutting their front gates. We didn't see any of the doomsday scenarios the President and his Cabinet are now warning about after 1½ years of doing nothing.

Of course, the President talks endlessly, it seems, of the need for a so-called balanced approach. Well, he got his pound of flesh. He got his $600 billion in additional tax revenue from the American people. So where is the balance to that? When all he and his party proposes is more taxes and more spending, that is not balance.

Now is the time to cut spending. That is the only way forward, and that is the only way to begin—with one small step—to return our country to sound fiscal footing.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

SEQUESTRATION

Mr. MCCONNELL. Mr. President, earlier this year, the Democrats who run Washington promised America things would be different under a reelected President Obama. Instead of politics, they would focus on policy. Instead of leaving everything until the last minute, they would get the people's work done ahead of time for a change—and through the regular order. Well, those promises didn't last very long.

Later this afternoon, less than 24 hours before the President's sequester proposal takes effect, we will vote on a Senate Democrat plan that does more to perpetuate the culture of irresponsibility around here than it does to fix the culture of spending that Washington Democrats claim to be concerned about.

Point of fact: Not only would their legislation fail to fix the spending problem facing our country, it would actually add billions more to the deficit. In other words, it isn't a plan at all. It is a gimmick.

Top Democrats already concede it will never garner enough votes to pass the very legislative body they control, much less the House. But let's be very clear: For the President and for his allies, that is really the whole point. They want it to fail so they can go around the country blaming Republicans for a sequester the President himself proposed. In fact, they are so concerned about preventing anything from actually passing the Congress they have limited the ability of Senators on both sides to debate the issue openly and to offer different ideas.

For instance, Senators AYOTTE and PAUL have introduced bills that deserve our consideration. And there are others too. Senator COLLINS has been working on a proposal, and Senator WHITEHOUSE has a plan that would replace the sequester with a series of huge tax hikes. I don't support that approach, but his legislation at least merits a vote.

Republicans will get just one chance to offer a bill, and I will discuss that legislation a little later in my remarks. But if the President's sequester is going to be as horrible as Washington Democrats have proposed, shouldn't we spend more than just a few hours debating it? Is this really the best Senate Democrats can do?

As for the President, he too has yet to put forward a serious plan that could pass either the House or the Democrat-controlled Senate, and he has refused to engage in substantive discussions with congressional leaders. Now, this week, he finally invited Speaker BOEHNER and me to discuss the sequester; that is, tomorrow, the day it takes effect. In short, instead of changing as they promised, Washington Democrats are just turning back to the same old campaign-first strategy they have employed literally now for years.

Now, after thwarting every bipartisan attempt to avert the sequester, the President is ready to make it bite as hard as possible—all to send a simple message to the public: Do you want to control Washington spending, America? Fine. Let me show you how much I can make it hurt. That is the President's strategy: Let me show you how much I can make it hurt.

Instead of directing his Cabinet Secretaries to trim waste in their departments, he is going after first responders and teachers and almost any other sympathetic constituency you can think of. He will arbitrarily close parks and monuments too, all to force Americans to accept higher taxes.

He will claim his hands are tied. He will say he has no choice but to release criminals into the streets and withhold vaccinations from poor children. Somehow it will be everybody's fault but his. Nonsense.

Look, our country has a spending problem—a pretty massive one. Most of us in the Chamber at least acknowledge that fact. But we can either address the problem in a smart way or we can do it in the way he has proposed. That is what the Toomey-Inhofe legislation we will vote on this afternoon is all about. It is about giving agency heads greater flexibility to ensure the sequester cuts are implemented in a smarter way.

Some have raised concerns that this would give the administration too much power; that the President would just use the authority to punish his critics. I certainly understand those concerns. But the goal here is twofold: One, to make sure the American people get the same amount of spending cuts that were promised to them in 2011; and, two, to guarantee some accountability on the President's part so those cuts are administered in a more intelligent way.

You would think the President would welcome a proposal such as ours. Given his complaints and those of his Cabinet Secretaries about their hands being tied on cuts, you would think he would be banging on our doors demanding flexibility. But now—get this—he is complaining that having extra authority might mean he would actually have to choose which programs to preserve and which ones to cut; that he would have to prioritize spending within the Federal Government.

Well, with due respect, Mr. President, I think a lot of people who voted for you think that is your job, to make those tough decisions—especially tough decisions to implement the plan you, yourself, proposed and insisted upon. Surely, you can find a little more than 2 percent to cut from the Federal budget, and surely you can do it without raining down a phony Armageddon on American families. They had to find ways to cope with the 2 percent less in their paychecks just last month after the payroll tax went back up. Why in the world can't Washington?

Look, the American people will simply not accept replacing spending cuts agreed to by both parties with tax hikes, and I plan to make all of this clear to the President when I meet with him tomorrow. He already got hundreds of billions of dollars in new revenue earlier this year when the tax law expired. Now it is time for the balanced part of the equation, and that means keeping our promise to reduce spending.

So the time for games is over. No more protecting waste and broken promises at the expense of those who actually need government help. The American people were promised more spending control, and Republicans are going to help them see that promise is fulfilled in the smartest way possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise today to talk about a disappointing milestone that we passed yesterday.

Yesterday was the 1,400th day since the Senate passed a Federal budget—1,400 days. So I guess today is the first day moving toward 1,500 days, but yesterday was the 1,400th day.

It has been said—and I know I have said it on this floor—that failing to plan is planning to fail. If you don't have any idea where you are going, you are not likely to get where you would like to be.

When it comes to our budgetary future, the strategy of the majority has been just not to deal with it.

Last summer Vice President JOE BIDEN challenged and said: Show me your budget and I will tell you what you value. Why the Vice President would have said that I really don't know. The President's budget that has arrived late and has been dead on arrival, apparently, every time it has arrived in the last 4 years and a Senate majority of the Vice President's party that has not passed a budget—why the Vice President would have said: Show me your budget, and I will tell you what you value, I don't know.

I like the Vice President personally a lot. I often don't know exactly why he said what he said. But this comment really does raise a question about why we are not willing to talk about the things we want to achieve as a government.

Nearly 4 years have passed since we had any kind of blueprint. I am told when we talk about a budget in Washington that apparently there were no political consequences because the majority was rewarded with the majority again even though if there was one comment made over and over again in that campaign, it is, it has been 3 years since there has been a budget, and now we are saying it has been 4 years since there has been a budget, and we have seen the government lurch from crisis to crisis. Frankly, most of these crises have been created by the people who say they are trying to deal with them.

I could not imagine, in November and December, why we would want to start a new year with the issues before us that were before us then. This could have been handled at that time as easily as it could be handled now. Part of it is the failure to plan.

Since the Senate, controlled for some time now by Democrats, passed a budget in April of 2009, lots of things have happened. Four years ago nobody in America had an iPad yet because iPads had not yet been invented. Nobody in America now doesn't know somebody who has an iPad if they don't have one themselves. Instagram, which our conference just added to one of these tools this week, didn't even exist 4 years ago. The Federal debt 4 years ago was less than $12 trillion. Now it is $16.6 trillion. LeBron James was still a Cleveland Cavalier the last time the Senate passed a budget. ObamaCare—and the President, in the Presidential campaign, said he now liked that term. I think he may not like it as well as he does now when people find out more about it—was not even the law yet. It was not the law. The ''Oprah'' show was still on the air. NASA had not announced yet that we were done with the space shuttle missions. Prince William and Kate Middleton were not engaged, and Brett Favre still played for the NFL. Lots of things have happened in the last 4 years, but one thing that has not happened is the Senate has not passed a budget.

Republicans in the House have drawn up and voted for budgets. We figured out ways occasionally to have a budget vote. But the President's budget would get no vote. There was no Senate majority budget on which to vote. I look forward to seeing that budget on the floor.

I was glad to vote just a few weeks ago on the bill that said that if we do not have a budget, we do not get paid, because if we do not have a budget, we do not have the fundamental tool it takes to have the other debates on the appropriations bills. People deserve a Senate that has a budget, is willing to put it out there, and that then is willing to have the debates on appropriations bills we need to have. It has been 15 months since we had an appropriations bill on the Senate floor. We have failed to do the work, and that leads us from one needless crisis to another.

Now the crisis, of course, is the sequestration deadline. If you listen to the administration, you would assume that this is the last day it is safe to go outside; that starting tomorrow terrible things are going to happen. I just heard our leader, the Republican leader, talk about our willingness to give the President of the other party more ability to direct these cuts in specific ways—but not forever. We need to take that responsibility back ourselves and appropriate the money that is going to be spent October 1. But between now and September 30, we need to make these reductions in the best way rather than the worst way.

The Appropriations Committee, on which I am the ranking Republican, has Agriculture in it. One thing I am going to ask the Department is, Which employees are supposed to show up on those days that are so dangerous that you say only the critical employees need to be here? And if they are supposed to be here in bad weather, why wouldn't they be here now? Why would you cut the Federal employee who has to show up at a food-processing facility for anybody else to work and have somebody in an office somewhere doing something that could be done the next day that is just dependent on them? If I were the President, I wouldn't want to be answering, why did you cut this and not cut that?

Recently the President had a series of press conferences. He embarked on a 100-city tour to warn about the sequester. He showed up in Newport News in Virginia almost exactly 1 year after three of my colleagues went there—Senator GRAHAM, Senator AYOTTE, and Senator MCCAIN—saying: In a year this is going to be a big problem. A year later the President shows up and says: This is going to be a big problem.

The President proposed the sequester in 2011. He insisted that it become law. He even threatened to veto a bill. He said: I will veto any bill to replace the sequester—late last year. Suddenly, now he has changed his mind and all these terrible things are going to happen and it is unavoidable. It is only unavoidable if we refuse to cut things that can be cut.

The Federal Government has grown 19 percent in its spending in the last 4 years. The sequester would cut 2.4 or 2.5 percent. Anybody in America whose budget has grown 19 percent in the last 2 years can go back, not to where they were the last 4 years—rather, not to where they were 3 years or 4 years ago but just to where they were a few months ago and get their spending level back to that. This is a budget which has grown in a tremendous way, but now it is suddenly uncuttable. We cannot begin to get by with the money we were spending 6 or 9 or 12 months ago? Nobody believes that.

If we want to have this discussion, that is fine with me. These spending cuts need to happen. They should happen, and they should happen in the right way. This is not going to be solved by campaign appearances all over the country. It is going to be solved by good management to reach reasonable goals. The accounting office has identified 51 areas where programs are inefficient, ineffective, and overlapping—51 areas. Why don't we deal with that? That is the Executive's responsibility, to say: Here is how we are going to eliminate these programs the Government Accountability Office has said are inefficient, ineffective, and overlapping. Otherwise, I guess we are committed to keep the programs that are inefficient, ineffective, and overlapping and spend billions of dollars of the taxpayers' money.

That would include things such as 180 economic development programs operating in five different Cabinet agencies. I am for economic development. I am for opportunity and jobs. But do we need 180 different programs in 5 different agencies? Divide 180 by 5—does each of those agencies need an average of that many programs?

There are 173 programs across 13 agencies to promote science, technology, engineering, and math education. That is not a bad goal, but does it take 173 programs in 13 agencies to do it?

Twenty agencies oversee more than 50 financial literacy programs. More than 50 programs across 4 departments are there to support entrepreneurs. Private sector job creation should be the No. 1 domestic goal of the country

today, but do you need 50 programs in four departments to encourage entrepreneurial skills? Probably not.

Why don't we hear about that instead of the air traffic controllers and the highway engineers and the meat plant inspectors and the Head Start teachers? Why don't we hear about these programs that we all know are ready to be made more efficient—or in some cases just simply the way to make them more effective is to eliminate those programs.

There are 47 job training programs in 9 agencies that cost $18 billion in fiscal year 2009. I do not have a number newer than that. We actually don't have a budget much newer than that. But $18 billion for 47 programs in 9 agencies? I am sure we can do better.

The Government Accountability Office found at least 37 duplicative investments in information technology—that was $1.2 billion over 5 years—and 14 programs to administer grants to reduce diesel emissions across 3 departments. This is not 14 programs to administer grants and loans, this is 14 programs to administer grants and loans to reduce diesel emissions. I am for reducing diesel emissions. I am even for the Federal Government paying some attention to whether that is being done. But do we need 14 programs in 3 different agencies to do it?

Across-the-board cutting, which is what sequester really means—that means we couldn't get to the number because, by the way, we didn't have any budget, we didn't pass any budget, so of course we couldn't get to the number. We couldn't get to the number the law requires us not to exceed in our spending, so the cure for that is to cut every line item in the discretionary spending part of the budget—the part that defends the country, the part that builds highways, the part that administers most educational needs in which the Federal Government is involved? That is what sequester is. We can do better.

The Department of Defense has spent more than $67 billion in the last 10 years on nondefense spending. Probably somebody better than the Department of Defense could do the nondefense work. The Department of Energy weatherization program, which has received $5 billion in stimulus funds, exhibited a failure rate of 80 percent. The stimulus program really worked out well. Here is an 80-percent failure rate in energy weatherization.

The FAA—the Federal Aviation Administration, the one about which my friend the Secretary of Transportation, with whom I served in the House, said we would have to eliminate air traffic controllers—they spend $500 million each year on consultants. It could be that it is more important that the air traffic controllers show up than that the consultants show up.

I have a list here I am going to submit because the list literally goes on and on.

The Internal Revenue Service stored 22,486 items of unused furniture in a warehouse, at an annual cost of $862,000.

We will have this discussion of ''why cut that instead of this'' if we want to. But my side is willing to give the President authority between now and the end of this haphazardly put together appropriating year to target cuts so that those of us in the Senate can appropriate the money for next year's spending.

We ought to be moving right now. We should not be having this debate at all today. We should be having a debate on the budget to have it done by April 15 so the Appropriations Committee can begin to do its work and we can find out what needs to happen here.

This is a good time to ask the question, Is this a job for the government? If the answer is yes, the second question is, Is the Federal Government the best of all governments to solve this problem or is there some government closer to the people and closer to the problem that can solve it in a better way?

There are two things I wish to submit and ask unanimous consent to have printed in the RECORD as I close my remarks. One is a July 31, 2012, memo to agencies from the Office of Management and Budget that says, ''Agencies should continue normal spending and operations since there are more than 5 months that remain for Congress to act.''

On September 28 the same management organization, the Office of Management and Budget, under the Executive Office of the President, sent another memo out that says, ''Agencies should continue normal spending and operations, as instructed in the July 31 memo from the Office of Management and Budget to executive departments and agencies which addresses operational and other issues raised by the potential of January 2 sequestration.''

So the new spending year is about to begin in 2 days—2 days after this goes out—and the direction from the White House is business as usual, full-speed ahead, spend money just like you are. Don't bother with that law which says that beginning on January 1, we have to spend less money.

Well, I am convinced we are going to spend less money. I am prepared to work with the President to see that we do that in the smartest possible way, but we have to get our spending under control, and I look forward to seeing the Senate do its job first with the budget and then with bills that debate our money and what we spend our money on.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 31, 2012.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

From Jeffrey D. Zients, Acting Director.

Subject Issues Raised by Potential Sequestration Pursuant To Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

Passed by bipartisan majorities in both houses of the Congress, the Budget Control Act of 2011 (BCA; Public Law 112–25) amended the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) to put into place an automatic process of across-the-board reductions in budgetary resources, known as a sequestration, specified in an order to be issued on January 2, 2013, if the Joint Select Committee on Deficit Reduction failed to propose, and the Congress failed to enact, a bill containing at least $1.2 trillion in deficit reduction.

The President has made clear that the Congress should act to avoid such a sequestration. If allowed to occur, the sequestration would be highly destructive to national security and domestic priorities, as well as to core government functions. To avoid this, the President submitted a budget for 2013 that includes a comprehensive and balanced set of proposals that contain greater deficit reduction than the Congress was charged with achieving. The Administration believes the Congress should redouble its efforts to reduce the deficit in a bipartisan, balanced, and fiscally responsible manner and avoid the sequestration.

If Congress were to enact the requisite deficit reduction measures and avoid the sequestration, there would be no need to take steps to issue the sequestration order, and then to develop plans for agency operations for the remainder of FY 2013 within the constraints of that order. These sequestration planning and implementation activities, once undertaken, will necessarily divert scarce resources from other important agency activities and priorities. The President remains confident that Congress will act, but because it has not yet made progress towards enacting sufficient deficit reduction, the Office of Management and Budget (OMB) will work with agencies, as necessary, on issues raised by a sequestration of this magnitude.

To that end, OMB will be holding discussions on these issues with you and your staff over the coming months. In the near term, OMB will consult with you on such topics as the application to your agency's accounts and programs of the exemptions from sequestration contained in section 255 of BBEDCA and the applicable sequestration rules specified in section 256 of BBEDCA. These discussions should be informed by your General Counsel's analysis of how the requirements of BBEDCA, as amended by the BCA, and other statutory authorities apply to a particular issue involving your agency. OMB will also engage with agencies on anticipated reporting requirements established by Congress that are related to, but separate from, planning for or implementing a sequestration order under the BCA.

Over the longer term, in the absence of Congressional action on a balanced deficit reduction plan in advance of January 2, 2013, OMB will undertake additional activities related to the implementation of the BCA. OMB will work with agencies, as necessary, on issues surrounding the sequestration order and its implementation. For example, sequestrable amounts can only be calculated once FY 2013 funding levels are known; therefore, shortly before any sequestration order is issued, OMB will collect information

from agencies on sequestrable amounts and, where applicable, unobligated balances, and calculate the percentage reductions necessary to implement the sequestration. In the meantime, agencies should continue normal spending and operations since more than 5 months remain for Congress to act.

The steps described above are necessary to prepare for the contingency of having to issue a sequestration order, but they do not change the fact that sequestration is bad policy, was never meant to be implemented, and should be avoided through the enactment of bipartisan, balanced deficit legislation. The Administration urges the Congress to take this course.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 28, 2012.

OMB BULLETIN NO. 12–02—TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject Apportionment of the Continuing Resolution(s) for Fiscal Year 2013

1. *Purpose and Background.* H.J. Res. 117 will provide continuing appropriations for the period October 1, 2012 through March 27, 2013. Section 110 of H.J. 117 requires that the joint resolution be implemented so that only the most limited funding actions shall be taken in order to provide for continuation of projects and activities, and section 109 requires that programs restrict funding actions so as not to impinge on the final funding prerogatives of the Congress. I am automatically apportioning amounts provided by sections 101(a) and 101(b) of this continuing resolution (CR) as specified in section 3. The amounts provided by the 0.612 percent across-the-board (ATB) increase in section 101(c) will be subject to the procedures for apportioning that funding as outlined in section 4. This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A–11, sections 120 and 123.

The Administration continues to urge Congress to pass a balanced package of deficit reduction that would replace the potential sequestration on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (BBEDCA). If necessary, the Bulletin will be amended to address that sequestration. Unless and until the Bulletin is amended, however, agencies should continue normal spending and operations, as instructed in the July 31 memo from OMB to executive departments and agencies which addressed operational and other issues raised by the potential January 2 sequestration. Unless the Bulletin is subsequently amended, it should be assumed to apply to both this CR and any extensions of this CR.

Note: Although the CR Bulletin does not automatically or otherwise apportion budgetary resources for accounts that are not determined by current appropriation action of the Congress (such as mandatory funding and balances of prior year budget authority), those apportionments will also be amended if necessary, to reapportion sequestrable resources to account for the potential January 2 sequestration. The guidance above to spend and operate normally until further notice also applies to these other resources.

2. *Amounts Provided.* Section 101(a) of H.J. Res. 117 provides such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year (FY) 2012 and under the authority and conditions provided in such stated Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in H.J. Res. 117, that were conducted in FY 2012, and for Appropriations Act, 2012 (Public Law 112–55), except for appropriations in that Act designated by the Congress as being for disaster relief, the Consolidated Appropriations Act, 2012 (Public Law 112–74), and the Disaster Relief Appropriations Act, 2012 (Public Law 112–77), except for appropriations in that Act under the heading ''Corps of Engineers-Civil''.

Section 101(b) provides that notwithstanding section 101 whenever an amount designated for Overseas Contingency Operations (OCO)/Global War on Terrorism (GWOT) pursuant to section 251(b)(2)(A) of BBEDCA in either the Department of Defense Appropriations Act, 2012 (division A of Public Law 112–74) or in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012 (division H of Public Law 112–74) that would be made available for a project or activity is different from the amount requested in the President's FY 2013 Budget request, the project or activity shall be continued at a rate for operations that would be permitted by, and such designation shall be applied to, the amount in the President's FY 2013 Budget request. For purposes of calculating the rate for operations, the reference to ''amount'' in section 101(b) is assumed to mean the budget account total.

Section 101(c) increases the rate for operations provided by subsection (a) by 0.612 percent. Such increase does not apply to OCO/GWOT amounts or to amounts incorporated in the joint resolution by reference to the Disaster Relief Appropriations Act, 2012 (Public Law 112–77).

3. *Automatic Apportionments.* Attachment A contains more detailed instructions on calculating the annualized amount provided by the CR. In order to calculate the amount automatically apportioned through the period ending March 27, 2013 (and any extensions thereof) multiply the annualized amount provided by the CR in sections 101(a) and 101(b) by the *lower* of:

The percentage of the year (pro-rata) covered by the CR (e.g., for H.J. Res. 117 use 48.77 percent), or

The historical seasonal rate of obligations for the period of the year covered by the CR.

Unless determined otherwise by your RMO, all automatically apportioned CR funds are apportioned as Category B (lump sum), regardless of quarterly restrictions (i.e., amounts on Category A) imposed in last year's apportionments. Limitations on programs (i.e., other Category Bs) and footnotes included in last year's apportionments remain in effect under the CR.

Apportionment of the 0.612 percent ATB increase in section 101(c) is discussed in section 4.

4. *Amounts Provided by Section 101(c) Excluded from Automatic Apportionment.* This automatic apportionment does not apply to amounts provided by the 0.612 percent ATB increase in section 101(c) of H.J. Res. 117. The agency may submit a written apportionment to OMB to request these funds during the period of the CR.

5. *Accounts with Zero Funding Excluded from Automatic Apportionment.* As has been the case in recent CR Bulletins, including FY 2012, if either the House or Senate has reported or passed a bill that provides no funding for an account at the time the CR is enacted or extended, this automatic apportionment does not apply to that account. (Reported bills are those that have been filed by the full House or Senate Appropriations Committee for floor action.) The agency may filed by the full House or Senate Appropriations Committee for floor action.) The agency may submit a written apportionment to OMB to request funds for the account during the period of the CR, if needed.

6. *Programs under Section 111.* Funds for appropriated entitlements and other mandatory payments, and activities under the Food and Nutrition Act of 2008, are automatically apportioned amounts as needed to carry out programs at a rate to maintain program levels under current law, i.e., at the FY 2013 level. However, this automatic apportionment does *not* apply to programs with more complex funding structures. Agencies should contact their RMO representatives to determine if their account is automatically apportioned or if a written apportionment is required.

With regard to the associated administrative expenses for those programs, section 111 does not apply. The associated administrative expenses are automatically apportioned at the pro-rata level based on FY 2012 annualized levels in section 101(a).

As noted in section 1, this automatic apportionment will be amended, if necessary, to reapportion sequestrable resources to account for the sequestration order that the President may be required to issue on January 2, 2013, under section 251A of BBEDCA. Until such time as the Bulletin is amended, agencies should continue normal spending and operations, as instructed in the July 31 memo from OMB to executive departments and agencies which addressed operational and other issues raised by the potential January 2 sequestration.

7. *Credit Limitations.* If there is an enacted credit limitation (i.e., a limitation on loan principal or commitment level) in FY 2012, then the automatic apportionment is the pro-rata share of the credit limitation or the budget authority (i.e., for subsidy cost), whichever is less. To calculate amounts available, see exhibit 123B of OMB Circular No. A–11.

8. *Written Apportionments for Amounts Provided by Sections 101(a) and 101(b).* If an agency seeks an amount for a program that is more than the amount automatically apportioned under sections 101(a) and 101(b), a written apportionment must be requested from OMB. OMB expects to grant only a very *limited* number of these written apportionment requests. Each of these requests must be accompanied by a written justification that includes the legal basis for the exception apportionment. Similarly, an RMO or an agency may determine that an amount for a program should be less than the amount automatically apportioned by sections 101(a) and 101(b) in order to ensure that an agency does not impinge on the final funding prerogatives of the Congress. In these cases, a written apportionment will also be required.

Agencies do not need to request a new written apportionment for each extension of the CR (unless otherwise required by your RMO). Instead, in the case of accounts that receive a written apportionment at any time during the CR period, the automatic apportionment will apply to such accounts under any subsequent extensions of the CR, provided that the total amount apportioned during the CR period does not exceed the total annualized level of the CR. However, any footnotes on the written apportionment continue to apply to the accounts, when subsequently operating under the automatic apportionment.

The written apportionments described in this section are not intended to address the written apportionment requirements for amounts provided by section 101(c) or accounts with zero funding. Those requirements are described in sections 4 and 5 above, respectively.

JEFFREY D. ZIENTS,
Deputy Director for Management.

Attachment(s):

Attachment B: Non-CHIMP Cancellations Recurring in a 2013 Continuing Resolution.

Attachment C: Changes in Mandatory Programs Recurring in a 2013 Continuing Resolution.

ATTACHMENT B: NON-CHIMP [1] CANCELLATIONS RECURRING IN A 2013 CONTINUING RESOLUTION

[budget authority in millions of dollars]

Appropriations Subcommittee	2012 Enacted	2013 CR
Cancellations of Unobligated Balances:		
Agriculture and Rural Development:		
USDA, The Office of Advocacy and Outreach	−4	—
USDA, Buildings and Facilities [National Institute of Food and Agriculture]	−2	—
USDA, Public Law 480 Title I Ocean Freight Differential Grants	−3	—
USDA, Public Law 480 Title I Direct Credit and Food for Progress Program	−2	—
USDA, Salaries and Expenses [Foreign Agricultural Service]	−1	—
Total, Agriculture and Rural Development	−12	—
Commerce, Justice, Science:		
DOC, Emergency Steel, Oil, and Gas Loan Program Account	−1	—
DOC, Coastal Zone Management Fund	−18	—
DOC, Public Telecommunications Facilities, Planning and Construction	−3	−3
DOC, Information Infrastructure Grants	−2	−1
DOJ, Working Capital Fund	−40	−40
DOJ, Salaries and Expenses, United States Marshals Service	−2	−2
DOJ, Salaries and Expenses [Drug Enforcement Administration]	−10	−10
DOJ, Buildings and Facilities	−45	−45
DOJ, Justice Assistance	−4	−4
DOJ, State and Local Law Enforcement Assistance	−42	−42
DOJ, Juvenile Justice Programs	−9	−9
DOJ, Community Oriented Policing Services	−24	−24
DOJ, Violence against Women Prevention and Prosecution Programs	−15	−15
NASA, Mission Support	−1	—
NASA, Space Operations	−12	−13
NASA, Science	−5	−5
NASA, Exploration	−4	−4
NASA, Aeronautics	−1	−1
NASA, Education	−2	−2
NASA, Construction, Environmental Compliance, and Remediation	−5	−5
Total, Commerce, Justice, Science	−245	−225
Defense:		
DOD, Procurement, Defense-wide	−5	−4
DOD, Aircraft Procurement, Navy	−168	−78
DOD, Weapons Procurement, Navy	−34	−34
DOD, Procurement of Ammunition, Navy and Marine Corps	−28	−28
DOD, Shipbuilding and Conversion, Navy	−110	—
DOD, Other Procurement, Navy	−60	−60
DOD, Aircraft Procurement, Army	−27	−22
DOD, Missile Procurement, Army	−100	−30
DOD, Procurement of Weapons and Tracked Combat Vehicles, Army	−23	−19
DOD, Procurement of Ammunition, Army	−37	−15
DOD, Other Procurement, Army	−497	−438
DOD, Aircraft Procurement, Air Force	−253	−220
DOD, Missile Procurement, Air Force	−198	−194
DOD, Other Procurement, Air Force	−65	−53
DOD, Research, Development, Test, and Evaluation, Defense-wide	−254	—
DOD, Research, Development, Test, and Evaluation, Navy	−66	—
DOD, Research, Development, Test and Evaluation, Army	−357	—
DOD, Research, Development, Test, and Evaluation, Air Force	−258	—
DOD, National Defense Sealift Fund	−34	—
Total, Defense	−2,574	−1,195
Energy and Water Development:		
DOE-NNSA, Defense Nuclear Nonproliferation	−21	−21
DOE, Fossil Energy Research and Development	−187	−42
DOE, Energy Efficiency and Renewable Energy	−10	−10
Total, Energy and Water Development	−218	−73
Financial Services and General Government:		
GSA, Operating Expenses	−5	—
EXOP, Partnership Fund for Program Integrity Innovation	−10	—
Drug Control Programs, Counterdrug Technology Assessment Center	−5	—
Drug Control Programs, Other Federal Drug Control Programs	−6	−6
Salaries and Expenses [Privacy and Civil Liberties Oversight Board]	−1	−1
Total, Financial Services and General Government	−27	−7
Homeland Security:		
DHS, Office of the Chief Information Officer	−5	−5
DHS, Working Capital Fund	−5	−1
DHS, Citizenship and Immigration Services	−1	—
DHS, Salaries and Expenses [United States Secret Service]	−1	−1
DHS, Aviation Security	−71	—
DHS, Immigration and Customs Enforcement	−13	−10
DHS, Automation Modernization [Immigration and Customs Enforcement]	−10	−10
DHS, Customs and Border Protection	−5	−5
DHS, Automation Modernization, Customs and Border Protection	−5	−5
DHS, Border Security Fencing, Infrastructure, and Technology	−3	−3
DHS, Operating Expenses [United States Coast Guard]	−38	−38
DHS, Acquisition, Construction, and Improvements (U.S. Coast Guard)	−4	−1
DHS, United States Visitor and Immigrant Status Indicator Technology	−27	−27
DHS, State and Local Programs	−3	−3
DHS, National Pre-disaster Mitigation Fund	−1	−1
DHS, Management and Administration	−1	—
Total, Homeland Security	−193	−110
Interior and Environment:		
DOI, NPS, Construction (and Major Maintenance)	−4	−4
DOI, Wildland Fire Management	−82	—
EPA, State and Tribal Assistance Grants	−45	−45
EPA, Hazardous Substance Superfund	−5	−5
Total, Interior and Environment	−136	−54
Military Construction and Veterans Affairs:		
DOD, Military Construction, Defense-wide	−131	−131
DOD, Base Closure Account 2005	−259	−259
DOD, Military Construction, Navy and Marine Corps	−25	−25
DOD, Military Construction, Army	−100	−100
DOD, Military Construction, Air Force	−32	−32
Total, Military Construction, Veterans Affairs	−547	−547
State and Foreign Operations:		
State, Diplomatic and Consular Programs	−14	−14
State, Economic Support Fund	−100	−100
Export-Import Bank Loans Program Account	−400	−400

ATTACHMENT B: NON-CHIMP [1] CANCELLATIONS RECURRING IN A 2013 CONTINUING RESOLUTION—Continued

[budget authority in millions of dollars]

Appropriations Subcommittee	2012 Enacted	2013 CR
Total, State and Foreign Operations	−514	−514
Transportation and Housing and Urban Development:		
Transportation, Compensation for General Aviation Operations	−3	—
Transportation, Capital Investment Grants	−58	−44
Transportation, Operations and Training	−1	—
Transportation, Maritime Guaranteed Loan (Title XI) Program Account	−35	—
HUD, Housing Certificate Fund	−200	−20
HUD, Other Assisted Housing Programs	−232	−15
Total, Transportation and Housing and Urban Development	−529	−79
Subtotal, Cancellations of Unobligated Balances	−4,995	−2,804
Cancellations of Advance Appropriations:		
Military Construction and Veterans Affairs:		
VA, Medical Support and Compliance (reappropriation) [2]	−100	—
VA, Medical Services (reappropriation) [2]	−1,400	—
VA, Medical Facilities (reappropriation) [2]	−250	—
Total, Military Construction, Veterans Affairs	−1,750	—
Transportation and Housing and Urban Development:		
HUD, Tenant Based Rental Assistance	−650	—
Subtotal, Cancellations of Advance Appropriations	−2,400	—
TOTAL, Cancellations of Balances & Advance Appropriations	−7,395	−2,804
Cancellations of Overseas Contingency Operations Funding: [3]		
Defense:		
DOD, Overseas Contingency Operations Transfer Fund	−357	—
DOD, Procurement of Ammunition, Army	−21	—
DOD, Other Procurement, Air Force	−2	—
Total, Defense	−380	—
Military Construction and Veterans Affairs:		
DOD, Military Construction, Army	−235	—
DOD, Military Construction, Air Force	−35	—
Total, Military Construction, Veterans Affairs	−270	—
Subtotal, Rescissions/Cancellations of Overseas Contingency Operations Funding	−650	—
Cancellations of Congressionally-Designated Emergency Funding: [4]		
Homeland Security:		
DHS, Immigration and Customs Enforcement	−2	—
DHS, Aviation Security	—	−16
DHS, Border Security Fencing, Infrastructure, and Technology	−4	—
DHS, Acquisition, Construction, and Improvements (U.S. Coast Guard)	−2	−2
Total, Homeland Security	−8	−18
Subtotal, Cancellations of Congressionally-Designated Emergency Funding	−8	−18
Grand Total, All Cancellations	−8,053	−2,822

[1] Excludes offsets that are the result of cancelling or blocking spending from mandatory programs. See Attachment C on CHIMPs for this information.
[2] These funds were technically rescinded in the appropriations bills but they were immediately reappropriated. This rescission-reappropriation mechanism is to simply to extend the availability for two years.
[3] These enacted rescissions of funding were designated as Overseas Contingency Operations pursuant to Section 251(b)(2)(A) of BBEDCA, as amended.
[4] Funding is not designated ''Emergency'' pursuant to Section 251(b)(2)(A) of BBEDCA, as amended. These amounts are counted outside of the discretionary caps.

ATTACHMENT C: CHANGES IN MANDATORY PROGRAMS RECURRING IN A 2013 CONTINUING RESOLUTION

[Budget authority in millions of dollars]

Appropriations Subcommittee	2012 Enacted [1]	2013 CR
Agriculture and Rural Development:		
USDA, Funds for Strengthening Markets, Income, and Supply (Section 32)	−150	−300
USDA, Federal Crop Insurance Corporation Fund	−75	−75
USDA, Commodity Credit Corporation Export Loans Program Account	−20	—
USDA, Commodity Credit Corporation Fund (Biomass Crop Assistance Program)	−184	—
USDA, Commodity Credit Corporation Fund (Voluntary Public Access)	−17	—
USDA, Watershed Rehabilitation Program	−165	−165
USDA, Rural Energy for America Program	−51	−29
USDA, Rural Microenterprise Investment Program Account	−4	−4
USDA, Energy Assistance Payments	−80	−28
USDA, Farm Security and Rural Investment Programs	−1,225	−657
Conservation Stewardship Program	(−33)	(−217)
Environmental Quality Incentives Program	(−350)	(−350)
Farmland Protection Program	(−50)	(−50)
Grassland Reserve Program	(−81)	(—)
Wetlands Reserve Program	(−671)	(—)
Wildlife Habitat Incentives Program	(−35)	(−35)
Agriculture Management Assistance Program	(−5)	(−5)
USDA, Rural Economic Development Grants (Cushion of Credit)	−155	−155
USDA, Trade Adjustment Assistance for Farmers	−90	—
USDA, Supplemental Nutrition Assistance Program	−11	−11
USDA, Child Nutrition Programs (Obligation Delay)	−133	—
Total, Agriculture and Rural Development	−2,360	−1,424
Commerce, Justice, Science:		
DOC, NOAA, Promote and Develop Fishery Products Transfer	−109	−109
DOC, NOAA Fisheries Enforcement and Sanctuaries Enforcement Asset Forfeiture Funds:		
Operations, Research, and Facilities (ORF) Reduction in Collections	+6	—
ORF Reduction in Spending Authority from Collections	−6	—
Transfer out of Unobligated Spending Authority from ORF	−3	—
Collections Deposited as Receipts in Asset Forfeiture Funds	−6	—
Spending of Receipts in Asset Forfeiture Funds	+6	—
Transfer in of Unobligated Spending Authority to the Asset Forfeiture Fund	+3	—
DOC, Digital Television Transition and Public Safety Fund	−4	−4
DOJ, Assets Forfeiture Fund	−675	−675
DOJ, Crime Victims Fund (Obligation Delay)	−7,113	−9,511
DHS, Citizenship and Immigration Services Transfer	−4	−4
Total, Commerce, Justice, Science	−7,905	−10,303
Energy and Water Development:		
DOE, SPR Petroleum Account	−500	−500
DOE, Northeast Home Heating Oil Reserve	−100	—
Total, Energy and Water Development	−600	−500
Financial Services and General Government:		
Treasury, Forfeiture Fund	−950	−950
FDIC, Deposit Insurance Fund Transfer to the OIG	−45	−45
Postal Service, Transfers to the OIG & Postal Regulatory Commission (PRC)	−255	−255

ATTACHMENT C: CHANGES IN MANDATORY PROGRAMS RECURRING IN A 2013 CONTINUING RESOLUTION—Continued

[Budget authority in millions of dollars]

Appropriations Subcommittee	2012 Enacted [1]	2013 CR
Postal Service, Discretionary Offsetting Collections for Transfers to the OIG & PRC	+255	+257
Securities and Exchange Commission Reserve Fund	−25	−25
Total, Financial Services and General Government	−1,020	−1,018
Interior and Environment:		
USDA, Forest Service Permanent Appropriations	−12	−12
DOI, Mineral Leasing and Associated Payments	−42	−40
DOI, NPS, Land Acquisition and State Assistance	−30	−30
DOI, Assistance to Territories	+14	+13
DOI, Office of Surface Mining Fee Reclassification	*	—
Total, Interior and Environment	−70	−69
Labor, HHS, and Education:		
Labor, MSHA Approval and Certification Fee to be Deposited in Expenditure Account	—	+1
HHS, Consumer Operated and Oriented Plan Program Account	−400	−400
HHS, Children's Health Insurance Fund	−6,368	−6,368
HHS, CMS Program Management, High Risk Pools	+44	+44
Education, Student Financial Assistance (including Pell Grants)	−124	—
Independent Payment Advisory Board	−10	−10
Total, Labor, HHS, and Education	−6,858	−6,733
State and Foreign Operations:		
State, Foreign Military Sales Trust Fund—Block mandatory spending	−100	—
State, Foreign Military Sales Trust Fund—Payout to Special Defense Acquisition Fund	+100	—
Total, State and Foreign Operations	—	—
Transportation and Housing and Urban Development:		
Transportation, FMCSA Motor Carrier Safety Grants	−1	−1
TOTAL, Changes in Mandatory Programs (CHIMPs)	−18,814	−20,048

*Denotes a number less than $500K.

[1] All FY 2012 CHIMPs have been rebased as mandatory and are not included in any FY 2012 Enacted levels. They are only displayed for comparison purposes.

Mr. BLUNT. I yield back whatever time I might have.

The ACTING PRESIDENT pro tempore. Time is yielded back.

The majority whip.

Mr. DURBIN. We will have a vote on the floor of the Senate. It is an important vote because tomorrow is the day of sequestration. The American people are learning new terminology. The fiscal cliff meant nothing to most Americans 6 months ago, but by New Year's Eve many understood that something serious was about to occur. Laws had been passed which meant that taxes would go up on virtually every taxpaying American on January 1 if Congress failed to act. That was the fiscal cliff.

We reached a last-minute agreement on ways to avert that from happening and to make sure any tax increases on the income tax side were going to be exclusively applied to those in the highest income categories. Well, the Americans breathed a sigh of relief and said thank goodness that emergency is over.

We are good in Washington at manufacturing crises, and now we are in a new crisis of our own creation. This is not some act of God, some natural event, some occurrence we have no control over. We created this. We created something called sequestration, and here is what it was all about.

The President sat down with the leaders in Congress—this goes back over a year now—and said: Listen, we need to do something about our deficit, but let's do it in a bipartisan way and a balanced way. Let's put together a supercommittee—an equal number of Democrats and Republicans—and let's reach an agreement once and for all. Stop bickering and reach an agreement. Let's reduce the deficit as a result of that agreement. But, he said, to make sure you take it seriously, if you don't reach an agreement, then as of this year, 2013, we are going to have automatic spending cuts called sequestration, and the sequestration cuts are not going to be very kind. They are going to be across-the-board cuts by each line item of the budget. So to avoid that, do the right thing and reach a bipartisan agreement in the supercommittee.

We failed. We failed when the Republicans of the committee said no revenue, no taxes. Sorry. We will just talk about spending cuts and cutting Medicare. That is all we are interested in talking about.

End of story; end of supercommittee; welcome to the world of sequestration. The threat that was supposed to make the supercommittee act is now about to become the reality. The reality means that in the remainder of this year—we do fiscal years, not calendar years—between now and September 30, we need to cut $85 billion in spending. Half of it will be on the defense side, and half of it will be on the nondefense side. Some might say: Come on, this is a big government and this is a big budget, and you are telling me $85 billion is a big problem?

I happen to agree with the Senator from Missouri—Republican Senator BLUNT who was here a moment ago—that there are plenty of areas to save in the Federal Government. I will speak to a few in a moment. We don't create an opportunity for that kind of thoughtful discussion and decision-making. Instead, it is automatic. It just happens.

What is wrong with cutting every line of the budget by a certain percentage? Well, let's take it home. Let's talk about an American family. Let's assume that family has just learned that next year, due to circumstances beyond their control, they are going to be making $500 less each month; somebody lost a job in the family or something like that. They look at the family budget and they say: We are going to have to tighten things up and make some hard choices. Someone else at the family table says: Wait a minute, We don't have to do it that way. What we should do since $500 is maybe 5 percent of what we take home in pay, let's cut everything we spend by 5 percent. If we do that, we will be able to reach that $500 mark.

When they stop and think about it for a minute, they realize that doesn't make any sense at all. We are going to cut our mortgage payment by 5 percent? We cannot do that; we will default on our mortgage, and we will lose our home. We will cut our utility payment by 5 percent? They will cut off the lights. We cannot cut the prescription drugs by 5 percent. We need that medicine to keep our children healthy. No, we have to look at a more thoughtful way. Let's look at parts where we spend money that we can afford to cut.

That is how families budget, that is how the government should budget, but sequestration doesn't cut budgets that way. It cuts it by each line item—the mortgage, the utility bill, the prescription drugs are all cut the same. That is what we face starting tomorrow. Well, there are ways to avoid that. The most important opportunity will come tomorrow afternoon. President Obama is bringing the congressional leaders—the House and Senate, Democrats and Republicans, all four—together for a meeting in the White House. Let's hope cooler heads prevail. Once again, we are at the deadline. Once again, the American people are looking to us and wondering what is going to happen.

What is at stake here? There are several things at stake. One of the things that is at stake is that the cuts for many agencies are going to be unreasonable. It will be unreasonable because they have to be done in a matter of 5 or 6 months. I am now chair of the Defense Appropriations Subcommittee. It means that most of the civilian employees who work for the Department of Defense are going to lose 1 day's pay

each week. It will result in a 20-percent cut in pay between now and the end of the year and will be a hardship on some families.

Don't believe these are fat-cat Federal employees. Many of them are struggling families doing jobs in our Department of Defense which are critical for our Nation's security. They range across the board from some of the most sophisticated decisionmaking to keep us safe as a Nation to the very basics of keeping the lights on in the buildings where these decisions are made. They are going to see this kind of furlough, reduction in pay and, unfortunately, reduction in productivity because of it. That is not good.

Other things are going to happen because of it. When workers are laid off at a depot where they repair a ship, it means the ship that was in for repairs has to stay there longer. It cannot go out and protect America.

Last week I was in a place called Bahrain. Bahrain, an island in the Persian Gulf, is a critical front in America's national defense. The 5th Fleet is there. What a magnificent group of individuals. ADM John Miller took me around on the ships and introduced me to the men and women in uniform. I could not have been prouder as an American to say hello to these people who are literally giving and risking their lives for our country. How are they protected while they are out there? Well, we have a great aircraft carrier out there. It is there if needed. I hope it is never needed. It is only one of two carriers that is supposed to be there.

The USS *Truman* was supposed to join the other carrier to protect our troops and our interests in the Persian Gulf, but it will not be there. Why? Because the Navy had to hold the *Truman* in reserve to save money. This is just one example of how you can't contain the effects of sequestration. And our sailors—our men and women in uniform—are out in the Persian Gulf, literally in a much riskier situation because of it. When we talk about how easy it is to cut spending in the government, it can be easy if we do it in a thoughtful way.

The second point I wish to make is that it is not just a matter of where we cut or how we cut, it is a matter of this process. We have been told by the people who give a credit rating to the United States of America that what has been happening for the last 2 years has not gone unnoticed. Think about your own family situation again. If a family is late in paying bills, what happens? Their credit rating goes down, and then when they turn around to borrow some money—whether it is an installment loan for a car or a home—they look at their credit rating, don't they? They say: You are not the most reliable person in paying your bills. Your credit rating is lower; therefore, the interest rate you pay will be higher.

The same thing applies to the government. Over the last 2 years this strategy that has been hitting us and says we have to lurch from one threatened government shutdown, to a shutdown of the economy over the debt ceiling, to the fiscal cliff, to the sequestration, is taking a toll on America's credit rating. So the ratings agencies are saying: Don't get me wrong, it is a great Nation and a great economy, but there are not a great bunch of politicians in Washington when it comes to making decisions; therefore, we are going to have an uptick in the interest rate paid by America to borrow money. What that means is we will be paying more of the taxpayers' dollars in interest to those who loan us money, such as China, and less in goods and services to serve America.

Now they are telling us again: If you go to sequestration and you get into another hopeless political tangle, as you have over the last 2 years, you run the risk that America's credit rating is going to be downgraded, interest rates are going to go up, and your kids are going to owe more on the national debt. That is what is at stake here.

What are we going to do about it? This afternoon we will make a proposal that not a single Republican will vote for. I will make that prediction on the floor. It is a proposal where we take a look at one of the most wasteful areas of spending and eliminate it. It applies to my State of Illinois, and here is what it is: direct payments to farmers. I don't know why we did this, but in the last farm bill we said we will give direct support payments to farmers whether they make money or lose money. Sometimes we will give them the direct payments whether they grow a crop or don't grow it. Does that make sense? I don't think it does.

We said for a long time, 70-years plus, the U.S. Government will be there when the farmers need it—when they need a helping hand. I understand that. Farming is a risky business, but direct support payments don't work on that principle. They make a payment regardless.

When Senator STABENOW of Michigan wrote the new farm bill, she said: I am eliminating direct payments. It saves $25 billion over 5 years. We had 64 Senators, which is about a dozen Republicans, to join us in passing the farm bill. They agreed and the farm groups agreed that they could no longer defend direct support payments. They could not defend it in a time when we have so many deficits.

The farm bill could not pass in the House. They were unable to pass a farm bill. I don't know why, but they couldn't. So what we will do this afternoon is take that savings from the direct support payments and use that to defer some of the cuts that would otherwise occur in sequestration. I think it is pretty sensible.

We will find out that not a single Republican will vote for it. They can come to the floor and list where they will save money, and they will have a chance on the floor this afternoon to actually save $25 billion on something the farmers agree with and farm organization support—and many of them voted for—but not one will vote for it. Not one. It is a sad situation.

Let me tell one other thing they ought to think about: for-profit schools. Does anyone know what they are? Well, if you have a child—a son or daughter in high school—you will know them soon because they are inundating your son or daughter with invitations to come join their university. Let me give some of the biggest names of the for-profit school industry: University of Phoenix. Ever heard of it? The combined enrollment of the University of Phoenix is more than the combined enrollment of the Big Ten. The second largest one, I believe, is DeVry, which is out of Chicago, and then Kaplan, which is a career education corporation. These are private companies that purportedly educate students. Some do, most don't.

If anyone wants to know about the for-profit colleges in America, they should remember three numbers. The first number is 12; 12 percent of all the high school graduates in America go to for-profit schools, such as the ones I mentioned, and others. The next number, 25; 25 percent of all the Federal aid to education goes to these schools. So they have 12 percent of the students and 25 percent of the Federal aid to education. Well, how much is that? About $32 billion a year goes to these schools, and it is Federal taxpayer dollars.

If we took the $32 billion that is going to for-profit schools and translated it into a Federal agency, it would be the ninth largest Federal agency in Washington—$32 billion to these schools. Hang on for the third number. The third number is 47—12, 25, 47. Forty-seven percent of all the student loan defaults occur among students who are going to these for-profit schools.

What does that tell you? They are getting too deeply in debt, they cannot finish school, and they cannot find a job. What a waste. They end up with debt and nothing to show for it. The schools end up with the money; the students and their families end up with the debt.

Let me recite one of these stories. I have invited students to tell me their stories at my Web site, and many of them have. Tabitha Hewitt, who is a first-generation college student, was aggressively recruited by for-profit colleges. They promised her a great future with a paying job. What she ended up with was a student debt of $162,000. She attended the International Academy of Design and Technology, which is a for-profit college owned by Career Education Corporation.

Tabitha is a veteran of the Air Force. She thought her education would give her the skills she needed to be successful in the civilian workplace. It turns out she does the same job as her colleagues who didn't attend any of these

for-profit schools. She didn't pick up any advantage; she just picked up a debt. The GI bill didn't cover the tuition because it was too high, so she took out student loans.

Paying her loans is a daily struggle. For Tabitha, it consumes her life. She sometimes has to walk away from other bills just to pay her student loans. She is constantly in battle with the lenders, trying to negotiate a reasonable payment plan, and they refuse. She says she can't save for anything. She can't pay for her own health insurance. She probably can't get married and have children. She just can't afford it. She wants to go back to a real school for a real education, but guess what. This deeply in debt, she can't borrow any money to go to school—to a real college instead of a for-profit school.

For-profit colleges prey on veterans such as Tabitha. They use deceptive marketing and aggressive tactics. They tell the veterans everything is going to be great and everything is going to be paid for. It is simply not true.

The 90–10 rule permits for-profit colleges to receive up to 90 percent of their total revenue from the Federal Government. These for-profit colleges are 10 percent away from being Federal agencies. But here is the thing: The 90 percent only includes Federal student aid programs such as Pell grants or student loans. GI and Department of Defense tuition assistance are counted as private revenue, giving the schools a huge incentive to recruit and target servicemembers and veterans such as Tabitha. Veterans and servicemembers help the schools meet the 90–10 rule and then end up with a worthless education.

Congress needs to stop this bloated industry from continuing to prey on veterans such as Tabitha Hewitt. Congress needs to make sure servicemembers and veterans have all the information they need about a school before they choose to enroll. We need to also make sure these schools are providing servicemembers the skills they need to succeed in the workforce. Schools with awful outcomes should not be participating in the Department of Defense Tuition Assistance Program and they should not be eligible for the GI bill.

Do my colleagues want to know where to save money without going into a sequestration that lays off a lot of important people across America and, in some ways, compromises our national security and the protection of our men and women overseas? Start with the for-profit schools. These folks have tapped into the Federal Treasury to the tune of $32 billion a year.

People say to themselves: Why do we let them get away with it? They have friends in high places. They are participants in our political processes. They can be found at many of the great parties and receptions across the city of Washington and around the country. They are doing what they can legally do as citizens. They are finding friends in high places and protecting the $32 billion a year that goes to these worthless schools, many of which are a complete waste of time and money for the students who end up there.

It would be bad enough if it was just a bad education or a waste of time. Tabitha is stuck with a $162,000 student debt.

There is one last kicker. The student debt is different than the other debt a person has. If a person borrows money for a home or a car or a boat or to buy a washer and dryer and they go broke and go to bankruptcy court, those debts are going to be swept away—not student loans. Student loans are not dischargeable in bankruptcy. Tabitha, the bad news is this is a debt that will be with you for a lifetime. Student debt is not dischargeable in bankruptcy. That is where we are today.

So when my friends come to the floor and talk about all the ways to save money in Federal spending, I will give them two to start with, one they can vote for this afternoon: end the direct payments in agriculture and save $25 billion. Secondly, reform this for-profit school scam that costs us $32 billion a year. They are easy places to start, perhaps even on a bipartisan basis.

I yield the floor and suggest the absence of a quorum.

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

The assistant clerk proceeded to call the roll.

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

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

Mr. COONS. Mr. President, what has become painfully clear to me this week is that folks in the Congress, folks in the Senate aren't listening to each other anymore. As we lurch toward our latest fiscal crisis—the looming sequester that takes effect tomorrow—I rise to speak directly to the folks I work for—my constituents, my fellow Delawareans.

I wish to continue a conversation I have been having with my neighbors at the train station, in the Acme, outside church, on the sidelines of my kids' sporting events, consistently since coming here to serve you as Delaware's junior Senator.

I am focused a bit by a Facebook message I got from Sandi, a neighbor, this morning. It is fairly poignant. She writes: In 2011, when we spoke, you assured me the sequester was so Draconian it would never happen. I feel betrayed by Congress, the Senate, and all of Washington.

She writes further: I trusted you to hold up our end of this deal and now we are going to sequestration. Disappointed is an understatement for how I feel. Why can't you get anything done down there?

To Sandi, to the nonprofits in Delaware whose funding is about to get cut, to the civilian workers at Dover Air Force Base who are facing furlough, to the educators throughout the State who may be laid off and the students who may well be crammed into more crowded classrooms, to the parents whose children will not receive the vaccines they need, and to all my neighbors who will be abruptly impacted by what Washington has failed to do this week to deal with the sequester, on behalf of the Senate, I am frustrated. I am at my wit's end. I am embarrassed by our dysfunction. I am sorry. This is simply not how your government is supposed to work.

Our country, as we all know, has a real long-term problem—a national debt now approaching $17 trillion, annual deficits for years of $1 trillion, literally adding to the problem each day we don't act together. While the solution to this problem is not easy, it is relatively obvious.

I wish to say this at the outset: Including interest savings, we have already saved a little less than $2.5 trillion since 2010. But it is easy to miss since we have done it piecemeal, through reductions in continuing resolutions, through the Budget Control Act, through the recent fiscal cliff deal. I know the general impression all of us get at home is we lurch from crisis to crisis and it is unclear that we have made any progress at all. But we have already locked in nearly $2.5 trillion in savings.

As a member of the Budget Committee, we got to hear from the Bowles-Simpson Commission, the Domenici-Rivlin Commission, a whole series of prominent economists who broadly agreed we needed $4 trillion in savings to get our deficits under control and to stabilize our debt as a percentage of our economy.

We have made about $2.5 trillion in progress and that leaves us about $1.5 trillion, maybe even $2 trillion left to go to achieve that target, depending on how we count. More than 70 percent of the savings we have already enacted have come from cuts, overwhelmingly cuts to domestic spending that are critical to the future of our economy. I think it is important as we go forward that we achieve some balance in the remaining component.

This Chamber will have to pass a budget resolution this year. That is what we are already working toward in the Budget Committee, a meeting from which I just came. We must cut spending, we must, in my view, raise revenue, and we must reform our entitlement programs. All of these have some role to play in dealing with these long-term issues. None of them though can solve the problem on their own, and this has been clear for the 3 years I have been serving here.

Our problem has been that we have a vocal part of one party who largely would not entertain raising any revenue and a vocal part of another party who largely would not consider reforming our entitlement programs, so we have lurched from crisis to crises. We

try to force each other to do it on the backs of one piece of our large Federal budget.

So to my conservative neighbors or those in the other party, I am sorry, we just cannot do this through cuts to discretionary, nondefense programs alone or through entitlement reforms alone. We cannot responsibly deal with this deficit and debt just within those two areas.

In the last 2 years we already made more than $1.5 trillion in discretionary spending cuts. On the trajectory we are on now, in the next decade the percentage these programs make of our total Federal Government will drop to levels not seen since Dwight Eisenhower was President, even as our revenues today are at their lowest as a percentage of our economy in 50 years.

Federal spending, done right, in the right sectors, fuels our long-term competitiveness. I am talking about investments in education, in infrastructure, in R&D, and basic science and curing diseases, and in speeding commerce. They are key to our future.

One of our core areas of focus here ought to be on how do we create jobs in a progrowth agenda for our country? By simply focusing on hacking off the domestic, discretionary piece of our Federal budget, it is like an airplane that is trying to get lift but one of its engines is being cut off. We need to sustain investment in some of these critical areas of the Federal budget. But equally, I will say to my liberal neighbors, to folks in my party, we cannot solve this budget problem just by raising taxes on the wealthy and on corporations. The math just does not work. There is not enough we can raise there to deal with the whole challenge.

Remember, the fiscal cliff deal we just passed in the last few weeks will bring in another $600 billion in revenue over the next 10 years. So we are making progress.

We also cannot do it if we simply ignore the poor fiscal health of our long-term entitlement programs either. Last year Medicare and Medicaid Programs—plus interest on the debt—made up almost 30 cents of every $1 the Federal Government spent. In two decades, on our current trajectory, it may be 50 cents of every $1.

Demographics, steadily rising costs of health care will keep driving this, and we must deal with it. Unless we change course, putting all these things together, productive expenditures that grow our economy—medical research, R&D—will be crowded out. Progressive priorities such as Head Start, low-income housing assistance, breast and cervical cancer screenings—the things that help care for the least among us or that help make us healthier will be gone.

So in my view, why not take this moment when we still have a Democrat in the White House and Democrats in control of this Chamber to make tough choices while we have historically low interest rates and fight to preserve the legacy of the earned benefits—Medicare, Medicaid, and the vital entitlement programs we treasure. In my view, we cannot simply hope that the cost of our entitlement programs comes down and we cannot simply tax our way to economic health. Anyone who tells you that either of these is enough is wrong. Spending has to be cut. Entitlements have to be reformed. Revenue needs to be raised. They are all part of the problem, and they should all be part of the solution.

Somehow, though, when we actually do manage briefly to have a substantive debate on these questions, we tend to spend all of our time focusing on the smallest facet of the Federal budget—discretionary spending—but almost no time discussing these others, the rest of the equation, the big drivers.

This place has become somewhat of an alternative reality where, if we dig in real hard and people get really scared and we use fancy words such as ''sequester'' or ''fiscal cliff,'' we can ignore the facts. There is no question that we do have to reduce spending, but the sequester is the worst way to do it. When conceived, the sequester was such a bad idea that both sides were supposed to be motivated to move Heaven and Earth to prevent it from taking effect. That is how terrible it is as policy. Yet here we are.

I am dumbfounded. It is not as though we have not had plenty of time to make this better—18 months, by my count. Why are people talking now in the press here on Capitol Hill about whether BOEHNER will lose his speakership or whether the first person to suggest the sequester worked in the White House or in the Capitol, whether Republicans have more to gain by the sequester kicking in or Democrats? How much time have we been spending trying to fix blame rather than fix the problem? Who owns the sequester seems to be the fight of the day here. Who cares is my question. There are no winners in this fight.

I think the question of how we reduce our deficits, stabilize our economy, prioritize spending that will grow jobs—this debate can either dominate the next 10 years, as we lurch every 3 months from crisis to crisis, or we can address the broader, bigger question and fix it and lay a groundwork for health, for growth, for recovery. Again, the math is not that hard; the politics are.

We here in Congress, with the executive branch, have largely created this problem, and now we need to solve it. Tomorrow, leaders from this Chamber and the House will go to the White House to meet with President Obama about how to address the sequester on the very day it takes effect. On behalf of my constituents, on behalf of the teachers, the police officers, the nonprofits, the personnel at Dover Air Force Base, the kids, their parents, my neighbors, on behalf of my State, I urge our leaders to embrace this moment and to work not only to avert this short-term sequester—not just this $85 billion in cuts—but to resume their work on the grand bargain. We need a big deal. We need it to be balanced. We need it to be fair. Spending, entitlements, revenue—they all need to be on the table, and they all have to be part of the equation.

My question for everyone in that meeting tomorrow——

Mr. MCCAIN. I have to ask for regular order.

The ACTING PRESIDENT pro tempore. The majority time has expired.

Mr. COONS. I ask unanimous consent for 30 seconds to conclude my remarks.

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

Mr. COONS. My question for everyone—everyone—in both parties, both Chambers who goes to this important meeting at the White House tomorrow is, How much more time do we have to fight and not to act, to attack and not compromise, to spin rather than solve? Based on the e-mails, the calls, the contacts I have gotten from my constituents, from my neighbors, the time to step up and address this larger problem is now. The sequester, while savage, is not the underlying problem. It is our unwillingness to come together across parties and Chambers to deal with the underlying challenges of our budget. It is my hope, my prayer, that we will take this moment and act.

Thank you, Mr. President. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICAN FAMILY ECONOMIC PROTECTION ACT OF 2013—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 388, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 18, (S. 388) a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent that in addition to the two cloture votes on bills dealing with the sequester today, there be set a time, to be determined by the majority leader in consultation with the Republican leader, that without intervening action or debate the Senate proceed to a rollcall vote on the motion to proceed to my alternative bill dealing with the sequester which is now at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader.

Mr. REID. Mr. President, I reserve the right to object and will say just a few things.

Unless we act by midnight tomorrow, Friday, across-the-board cuts will kick in. They are going to start kind of slowly, but they are going to ramp up really quickly. So the question for us today is, Are we going to act to replace these across-the-board cuts?

The proposal we have put forward would prevent the cuts with a balanced plan. Our plan will protect air safety, our food supply and, most importantly, our national security. And frankly, Mr. President, air safety, which I mentioned, food supply—that is also part of our national security in addition to our military.

The alternative that has been put forward by my friend the Republican leader would not replace the cuts. As I said earlier this morning here on the floor, one of my colleagues in the Democratic caucus said at our caucus on Tuesday that he understood what the Republicans were going to put forward, and he said it would be like sending the President an order: We have already decided you are going to have to cut off three fingers, and we are giving you the alternative to decide which one you cut first.

The Republican alternative would not replace the cuts but would call for making the cuts in some different way. Republicans call their proposal ''flexibility.'' In fact, it is anything but that. Their proposal is entirely inflexible on one key point: not a single dollar of revenue, not a single tax loophole would be closed.

Now, remember, Mr. President, the one proposal we have forward says that if you make $5 million a year, you will have to pay 30 percent tax minimum. That is it. That does not sound too outrageous. That is why the American people agree—Democrats, Independents, and 60 percent of Republicans.

Now the Republican side seeks a third vote on the Ayotte amendment, which would replace the cuts with a parade of even more unfair cuts and penalties on immigrants, people receiving health care under ObamaCare, the Consumer Financial Protection Bureau, those kinds of things.

I also have trouble understanding, as I do—I frankly do understand why, as I read in the paper, AYOTTE, MCCAIN, and GRAHAM do not like the Republican proposal—haven't we ceded enough power to the President?

So it is not our fault over here that the Republican leader chose to offer not the Ayotte alternative but instead chose the Republican alternative that we are going to talk about and vote on later today.

I return to my main question again briefly. Are Republicans really filibustering a vote on replacing the sequester? My question is, Would the Republican leader modify his consent to allow for simple up-or-down votes on each of the two alternatives? Would it make a difference if we allowed votes on three bills, including the Ayotte alternative? I would be happy to have three votes if the Republican leader would simply allow the votes to be held at majority thresholds.

So I have asked that. I can do it formally. I would be happy to do so if there is any taking of my request here. But this having been the case, if my friend the Republican leader says: Yes, why don't you put that in proper form—and I would be happy to do that—then we would have votes on all three, with a simple majority on each one of them. Not hearing someone say: Great idea, then I object to the request of my friend from New Hampshire.

Mr. MCCONNELL. Mr. President, I would say to my friend the majority leader that I would object. He can either propound such a consent or not, whatever he chooses, but I would object.

The ACTING PRESIDENT pro tempore. Is there objection to the original request?

Mr. REID. Yes, I did that.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously we regret that we have not been able to reach an agreement. I am especially disappointed that we are unable to consider the Ayotte amendment, which is an alternative to the sequestration. A flexibility of sequestration would still sooner or later have the same Draconian effects on our national security.

I also would point out to my colleagues that what we are about to go through is in some respects a charade because we know the proposal on that side will not succeed with 60 votes, and the proposal on this side will not succeed with 60 votes. Meanwhile, the clock moves on until sometime tomorrow night.

Some of us warned for a long time about the effects of sequestration, and if we want to have a blame game, then I will take blame, everybody takes blame. But isn't it time that we prevented what our military leaders in uniform, who have made their careers and their lives serving and sacrificing for this country, say would harm and inflict terrible damage on our ability to defend this Nation, our inability to train and equip the men who are serving? I always appreciate very much when Members on both sides of the aisle praise the men and women who are serving in the military. I am always pleased to see that. But shouldn't we be thinking about them now? Shouldn't we be thinking about those men and women who are serving who literally do not know what they are going to be doing tomorrow—like the crew of the aircraft carrier that they decided not to deploy to the Middle East at a time when tensions are incredibly high?

I would also point out to my colleagues that this is not a fair sequestration. Most Americans believe this is half out of defense, half out of nondefense. It is not.

Under the formulation of the sequestration, about half of the spending we engage in is exempt, such as compensation for the President, such as the Federal Home Loan Mortgage Corporation, such as payment to the District of Columbia Pension Fund, such as the Host Nation Support Fund for Relocation. All of these and many others were made exempt, which meant the cuts and the reductions in defense were even larger, and, obviously, those who designed this legislation decided that the Federal Home Loan Mortgage Corporation and relocation funding was more important than national defense because we didn't exempt national defense.

That is disgraceful.

Nineteen percent of discretionary spending is out of defense. We are asking for a 50-percent cut out of defense, on top of $87 billion that has already been enacted under Secretary Gates, on top of $487 billion in defense which is already on track to be cut. The percentage of gross national product for defense continues to decline.

What are we doing?

A few days ago there was a wonderful ceremony in the White House where a brave young American received the Congressional Medal of Honor. I happened to go to an evening function at a pizza place with him and his comrades who fought. A book was written by Jake Tapper, an excellent book—I recommend it to all of my colleagues—about eight of their comrades who were killed. Here we are unable to make sure these young men and women serving in harm's way have the equipment, the training, and everything they need to defend this Nation. We are doing the men and women who are serving this Nation a great disservice, and the President did them a disservice when he said in the campaign: Not to worry, sequestration won't happen. The President of the United States said that. I didn't say it. The three of us traveled this country warning about the effects of sequestration. Of course, we now know the idea came from the White House. That is the blame game, and I will be glad to engage in this game.

Can't we at least come to some agreement to prevent this? Are we going to lurch from one fiscal cliff to another? If we want to do that, that is one thing.

General Odierno is one of the great leaders I have had the opportunity of knowing for many years. General Odierno, the Chief of Staff of the Army, a man who has decorations from here to there, said he cannot replace the men and women who are serving in Afghanistan under this sequestration because he doesn't have the ability to train their replacements. Isn't that an alarm for us?

We are going to go through a charade here. In a little while we are going to have a vote on the Democratic proposal, and it will not get sufficient

votes; and the same thing here on this side, and the clock will tick.

Tomorrow, on the last day, the President is going to call people over to the White House to see if we can address it. Where was he in the last year?

Again, I am not taking the floor today for the blame game. I am pleading for the men and women who are serving this Nation in harm's way who every single day have a hell-of-a-lot tougher time than we do. Can't we do something on their behalf to sit down with the President of the United States, who is Commander in Chief, and get this issue resolved before we do great damage to our national security?

I thank Senator AYOTTE for her proposal. It contains real reductions in spending so we don't have to go through this sequestration. On the one side, now we have a choice between ''flexibility,'' which nobody really knows exactly what that means—and on the other side, obviously, a proposal that really bears no relevance to the issue that faces us.

I thank my colleagues for the time. If I sound a little emotional on this issue, it is because I am. It seems to me we, at least on this issue of national security and the men and women who serve our Nation, should come together. I stand ready to put everything on the table to prevent what could be, in the words of the departing Secretary of Defense, a devastating blow to our ability to defend this Nation in what I could make an argument are the most dangerous times.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. I thank the Senator from New Hampshire who authored this amendment which Senator MCCAIN and I support. She spent a lot of time and effort trying to fix sequestration in the first year and trying to look at programs that are not as essential to the Nation, in my view, as the Department of Defense.

Let me put this in perspective. I don't need a poll to tell me what I think about this. The majority leader referenced some poll out there about where the American people are. I appreciate polling. It is a tool all politicians use. I don't need one here to know where I stand.

The question is, Do the people in South Carolina think I am right or wrong? I will have an election in 2014. I am certainly willing to stand before the people of South Carolina and say what we are doing in this sequestration proposal is ill-conceived, dangerous, and despicable.

Let's start with the Commander in Chief. This is what Mr. Lew said, our new Treasury Secretary:

> Make no mistake, the sequester is not meant to be policy. Rather, it is meant to be an unpalatable option that all parties want to avoid.

That was their view of sequestration.

According to Bob Woodward and comments since, this idea came out of the White House. The White House thought that if we created a penalty clause for supercommittee failure called sequestration, where we would have to take $600 billion of the $1.2 trillion out of the Defense Department, that would make the supercommittee more likely to achieve a result. If we took $600 billion out of nondefense, that would put pressure on the supercommittee to get the right result.

We are going to spend $45 trillion over the next decade. The next question for the country is, Could we save $1.2 trillion without destroying the Defense Department and raising taxes? Yes, we could if we tried. Put me in the camp that this is an achievable spending cut. This is not something that is unachievable.

What Senator MCCONNELL said is very important. Two-thirds of the budget, almost, is exempt from sequestration. When you hear Republicans say surely we can find $85 billion out of $3.5 trillion in spending—to my Republican colleagues, stop saying that. That is not accurate. We are not cutting $85 billion out of $3.5 trillion. We are cutting $85 billion out of about 1.3, 1.25, because the Budget Control Act took off the table two-thirds of the government from being cut.

I will get to the President in a minute, but let me talk a little bit about my party, the party of Ronald Reagan, the party of peace through strength. This is the party that believes—at least we used to—the No. 1 obligation of the Federal Government, before it does anything else, is to get national security right. That was what made Ronald Reagan.

That is what I believe. I don't need a poll to tell me that. I don't care if 90 percent of the people in the country said the Defense Department is not my primary concern when it comes to Federal budgeting. Count me in the 10 percent.

The party of Ronald Reagan, even though it came out of the White House, this very bad idea, agreed to it. What did we agree to? We agreed to take off the table two-thirds of the Federal Government.

Pell grants. My sister received a Pell grant when my parents died. It is a very important program. It helps people go to college who are low-income Americans. In 2008 it was $16.25 billion and in 2013 it is $41.57 billion.

Food stamps. A lot of people need help, I understand that. The Food Stamp Program has doubled since 2008.

I guess the Republican Party believes the Pell grants, food stamps, the FAA, and home mortgage interest deduction, and all this other stuff in the Federal Government should be shielded, but those who have been fighting the war that protects us all from radical Islam should be on the chopping block. Ronald Reagan should be rolling over in his grave. Shame on everybody who agreed this was a good idea on our side.

I cannot tell you how disgusted I am with the concept that when it comes time to cut—because the budget politicians can't reach an agreement—we fire the soldiers and keep the politicians and every other social program intact and put half the cuts on those who are fighting the war.

So the next time you go to a military base, good luck. We will look those men and women in the eye—I don't see how you could. I don't see how you could go onto a military base or see somebody in the airport, shake their hand and thank them for their service given the fact you have taken the Defense Department and made it something not very special anymore.

Secretary Panetta said: After 10 years of these cuts we would have the smallest ground forces since 1940, the smallest number of ships since 1915, and the smallest Air Force in its history. This isn't like the drawdowns in the past when the potential enemy was disabled and in some way rendered ineffective. We are still confronting a number of threats in the world. It would decimate our defense. It would cripple us in terms of our ability to protect this country.

It would result in the hollowing out of our forces. It would terribly weaken our ability to respond to threats in the world. It is a ship without sailors. It is a brigade without bullets. It is an airwing without enough trained pilots. It is a paper tiger. In effect, it invites aggression. A hollow military doesn't happen by accident; it comes from poor stewardship and poor leadership.

I couldn't agree more.

To my Democratic colleagues, we are not going to raise any more taxes to spend money on the government. The next time I raise taxes, we are going to try to get out of debt. We are $17 trillion in debt, and every time there is a crisis in this Nation you want to raise taxes to pay for the government we already have. We have enough money to run this government. We need to spend it better.

To my Republican colleagues, there is not enough flexibility in the world to change the top line number. You either believe Secretary Panetta or you don't. You either believe every military commander—I don't trust everything a general tells me, but the question for me is do I trust all generals who tell me the same thing. Can all of them be wrong? It is one thing to have a dispute with a general or an admiral, but when every general and admiral tells you the same thing—and if we don't believe them, we need to fire them—we act accordingly.

As to the President, you have one obligation that nobody in this body has. You are the Commander in Chief of the United States. They trust you, they need you, and your primary goal is to take care of those in uniform and their families.

Mr. President, you have let them down. My party let them down, but you are different from any other politician. You are the Commander in Chief. How you could have considered this as an

acceptable outcome just makes me sick to my stomach. I don't know how any Commander in Chief could have been comfortable with the idea that if the supercommittee fails, we are going to cut the military. You haven't lifted a finger in the last year to do anything about it. You finally go to a naval base down in Virginia, after the election, a few days before this kicks in.

To me, this is pathetic leadership by the Commander in Chief. This is an abandonment of the Republican Party's belief in peace through strength. This is a low point in my time in the U.S. Congress.

We are not going to raise taxes to fund the government. We are going to raise taxes in my construct to pay down debt and fix entitlements. I cannot tell you how ashamed I am of what we have done to those who have been busting their butts for the last 11 years, to those who have been deployed time and time again, and to their families.

The thank-you you receive from your President and your Congress is we are going to put your way of life on the chopping block. God, if we can't do better than that then all of us should be fired—politicians.

Mr. MCCAIN. I would ask the Senator to yield to respond to one question.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, if I may interject, I believe I have the floor.

Mr. MCCAIN. I have the right to ask a question from the person who has the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has yielded for a question.

Mr. MCCAIN. My question is, does the Senator think the American people appreciate and understand what this does to the lives of the American men and women who are serving? For example, those who are serving on that aircraft carrier they said was going to deploy for many months and was cancelled at the last minute, the training plans which are now going to be cancelled, the deployments which will be changed—not to mention the massive layoffs in the defense industry, which sometimes are not easily replaceable. That is my question.

Mr. GRAHAM. Well, I don't know if they do or not. We have done everything we can—the three of us—to tell them what is coming our way. All I can say is that every general and admiral who has told us the same thing, I respect what they are telling us. Leon Panetta is a Democrat, but he is dead right. He has been a great Secretary of Defense. I trust their judgment.

I know enough about the military budget to know if we take $600 billion out of their budget, on top of the $487 billion, plus the $89 billion, we are going to make them less able to defend our Nation, putting our men and women at risk, and that is what this debate is about.

I wish to thank Senator AYOTTE, who came up with an alternative to avoid this without raising taxes.

My time is up. I don't know who is next, but I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to interject just for a moment to sort out the order on the floor.

I apologize to the Senator from Arizona for the last exchange. I thought I had the floor at that point. I understand now this is a colloquy.

I think Senator AYOTTE seems to be in order, but the chairman of the Appropriations Committee is here, so perhaps she could be recognized at the conclusion of Senator AYOTTE's remarks. I see Senator INHOFE, so if he could follow Senator MIKULSKI and then I will follow Senator INHOFE, I offer that as a proposal.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object, I don't need to be in this lineup. I will be talking later on. I only wanted to ask one question of Senator AYOTTE when she has the floor.

Mr. WHITEHOUSE. The Senator has that right, and she will yield to him.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

Ms. AYOTTE. I thank the Chair, and I thank very much the Senator from Rhode Island for allowing me the opportunity to continue and for sorting out the order on the floor.

Mr. INHOFE. Would the Senator yield for a question before she starts?

Ms. AYOTTE. I will, and then, obviously, I would like to make a few comments.

Mr. INHOFE. Yes, of course. The question is this—and I know the Senator already knows this, but others may not know, and I want to make sure they are aware.

I am in support of the Senator's bill. I am a cosponsor of the bill and have been since way back when the Senator first started with Jon Kyl a long time ago.

Ms. AYOTTE. I thank the Senator for that.

Mr. INHOFE. I agree with what was said by both the Senator from Arizona and the Senator South Carolina. In fact, it was my request that Senator AYOTTE's measure be the Republican alternative. So I just wanted to make sure everyone knew that. I think it is a good idea.

Ms. AYOTTE. I thank the Senator for his statement and for his support and I certainly join in the comments and concerns that were just raised by my colleagues Senators MCCAIN and GRAHAM.

Here is where we are. We are in this position where, frankly, as Senator MCCAIN said, this is a charade. Both parties are acting out this play where we are going to have one vote on the Democratic alternative that is going to fail, and then we are going to have another vote on one Republican alternative that is going to fail. So I put pen to paper and came up with some other ways to cut spending, which comes to about $250 billion in savings over the next 10 years, in order to address sequester and also to have an alternative because I believe the American people see through this charade of what is going to happen today and that, ultimately, as prior speakers have said, the sequester was set up to be resolved in a way where we had alternative savings that did not undermine our national security and some of the core services that could be put at risk in the way the sequester is structured.

I firmly believe, when we look at what has happened, this bill was ill-conceived from the beginning. I didn't support it. I didn't vote for it. One of the fundamental problems with it was it was a kick-the-can-down-the-road exercise where we gave our responsibility to find the $1.2 trillion in savings—the sequester—to a supercommittee, rather than the Senate and the Budget Committee doing our job of budgeting and prioritizing.

So stepping back, that is what has led us here. But I am also disappointed in my Republican colleagues, and that is why I offer an alternative of spending cuts, because it seems to me, the way this is structured we have already taken $487 billion in reductions to our defense. I serve on the Senate Armed Services Committee. For 1 year on that committee, I have been listening to our military leaders at every single level when asking them about the sequester. From the highest leaders, the Chairman of the Joint Chiefs of Staff to the Secretary of Defense, we have heard things such as we are going to shoot ourselves in the head, we are going to hollow out our force, and America will no longer be a global power, which is what General Dempsey once told us, as a result of sequestration.

This morning, we had leaders of our military before the Armed Services Committee and I asked Assistant Secretary Estevez: If we go with the flexibility approach, does this address the impact on our national security? In other words, will this address making sure we can still meet the needs of our national security?

Let us not forget this is happening at a time when Iran is marching toward a nuclear weapon, when we have conflict in Syria, and when we are still at war. By the way, with this sequester, the way it impacts the Department of Defense, our war funding was not exempt. Over 50 percent of spending, as this was set up from the beginning, was exempt from the sequester, which of course is no way to find savings throughout the whole government, but we didn't exempt the war funding.

So at a time of war, I asked the Assistant Secretary: Does the flexibility solve the problem to our national security? And he said: Certainly, flexibility

will help us deal with it, but it will not solve the problem in terms of our national security.

So that is why I decided to come up with some alternative savings. My proposal will not get a vote today. I think it is a time when, frankly, we should be bringing more ideas to the floor, not less ideas, and debating this vigorously in the Senate, instead of where we are right now, which is a charade. We are going to have one vote and another vote and then we are all going to go to our respective sides and say: OK, American people, we know there are real risks, particularly to the safety of this country, that we should be addressing. From my perspective, I believe we can address them through alternative spending cuts.

Through all this, we have the President, who has called leaders of both parties tomorrow to the White House. I have spent a year working on this issue. He was at the Newport News shipyard the other day. We were there in July talking about the impact on that shipyard. We traveled to States around the country—to military facilities—to talk to the people there at those facilities about the impact of sequester. I think the President should have been on this much sooner, but now it is time for his leadership as the Commander in Chief—leadership we could have used this past summer when we were all talking about it. We could have been in a position to try to resolve it then rather than continuing to be in these crisis moments in which we find ourselves in the Senate.

Where I am left on all this is that we owe it to our men and women in uniform to find alternative ways to save the money, still protecting our national security. Also, so people understand how this plays out, the way the cuts are taken in 2013—during a shorter period, not a full period—OMB has estimated on the defense end it is about 13 percent, on top of the $487 billion in reductions, and in nondefense spending it is about 9 percent over the additional $487 billion.

So I would just simply ask for a time to stop this charade, and it is my hope we could actually get down to resolving this in a responsible way for our country. That is why I put pen to paper. People can be critical of my proposal, but I think that now is the time when we should have a vote on every proposal and we should have every idea come to the table because it is a time to stop the charade and it is a time to solve this problem. Let's make sure we protect our country at a very dangerous time.

I will continue to work to do that for our country. I think we can do it, still addressing our deficit, still with savings, but we certainly need to do it, and having the charade vote we are going to have today will not solve it. The American people deserve better and we should be giving them better and solving this.

I thank the Chair for allowing me the time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the Democratic alternative that would cancel the sequester for this year.

Before the Senator from New Hampshire leaves, I would like to take a minute to compliment her on her energy, her passion, and the fact that she actually wants to present ideas to be discussed. I think that is excellent. I want her to also know I support the concept she is advocating of no more delay; that we cannot solve America's fiscal situation and also important public investments we need to make in research and innovation and keep our fragile economy going by just punting now. I think we agree on that.

The other thing we agree on is the goal to get our fiscal crisis in order, to strengthen our economy, and to keep America strong. We just are going to disagree on the means. But that is OK. That is called America. That is called the Senate. That is called debate. Let's let the world watch and hear that we actually have ideas, and just as we are doing this minute, we can do it with civility and with interest in what is being said. I found what the Senator from New Hampshire had to say very interesting, and I will have a few comments about that and what the Senator from South Carolina said, but I wanted her to know that I do think we must begin to move with urgency. I do think the politics of delay, ultimatum and brinkmanship, should come to an end. I like the idea of debating ideas and look forward to that both in conversation and so on.

I just wanted to say that to her.

Ms. AYOTTE. Would the Senator from Maryland yield for a brief comment?

Ms. MIKULSKI. Yes.

Ms. AYOTTE. I thank the Senator, and I wanted to first say I know she is the new chair of the Appropriations Committee and I congratulate her on that. As we go forward, as we look at why we are where we are, if we can get back to regular order in the Senate, with a budget and a regular appropriations process, I think we would do a great service for the American people and eliminate this crisis-to-crisis mode. I know, as the new chair of the Appropriations Committee, Senator MIKULSKI will play a leadership position in doing that.

Ms. MIKULSKI. I absolutely will. Just to respond, first of all, I have a great vice chairman, Senator RICHARD SHELBY, from the other side of the aisle, who shares that same idea.

What does the regular order mean? It means we bring out one bill at a time; that we don't have a $1 trillion bill on the floor at one time, where we can't discuss it, debate it, analyze it, and certainly no more of these 7,000-page bills, where we find things have parachuted into the bill in the middle of the night.

I agree with my colleague and I look forward to that, and I must say I have enjoyed working with her and look forward to doing more of the same.

Ms. AYOTTE. I thank the Senator.

Ms. MIKULSKI. Mr. President, I do want to speak in support of the bill that is offered as our Democratic alternative. It is a balanced solution to preventing the dysfunctional, disruptive, across-the-board spending cuts called sequester. Sequester is a Washington word and a Washington invention we came up with during the budget crisis debacle in August of 2011, where we would cut $1 trillion over 10 years or $110 billion at a time. That was supposed to have been resolved through the supercommittee, but that didn't happen. It was supposed to have been resolved through the fiscal cliff, all the way up to New Year's Eve. What happened? We punted. We delayed for 2 months, and so here we are.

While we are facing the Draconian implications of the sequester, we do have an answer. That answer is composed of a balanced approach, where we look at increased revenue and strategic cuts that will not cripple our economy nor weaken America's strength here or abroad.

What does it do? Yes, it does go to increased revenue. The revenue we are talking about is to close these juicy loopholes, to end these outrageous tax earmarks that happen in the stealth of the night. Look, we got rid of earmarks on the Appropriations Committee. Let's get rid of tax earmarks on the Finance Committee, and this is one of the ways to do it.

I want to compliment the Senator from Rhode Island, Mr. WHITEHOUSE. He has done incredible research on just exactly what these cushy, lobbyist-driven tax breaks are.

Our closing the loopholes cuts spending, and it also protects the middle class, ensures essential government services, and keeps America strong. What does it do? Yes, it does reform the Tax Code. The first loophole it closes is something called the Buffett rule. It saves $53 billion and it means wealthy taxpayers will pay lower effective tax rates than the middle class. In plain English, and this is what Warren Buffett said, a billionaire should pay the same tax rate as somebody who makes about $55,000 a year.

Guess what. We Democrats believe in entrepreneurship. We believe in rewarding hard work. So that tax doesn't kick in until your second million. If I were a billionaire, I would take that deal. I am not a billionaire. But, more importantly, neither are 99 percent of the American population.

We also eliminate a special loophole to the oil and gas industry for $2 billion where they get oil from tar sands. That would be also subject to a tax. But my favorite one is it eliminates tax breaks for shipping jobs overseas, another significant amount of money.

I am an appropriator, so let me talk about spending cuts. We have come up with spending cuts: Yes, 27.5 in domestic spending, and 27.5 in defense.

Let me start first with defense, because much has been said about defense. Many tables have been pounded, many chests have been thumped talking about it. And we do have to look out for our military. But our $27.5 billion recognizes the reality of boots on the ground. The reality of boots on the ground. Our troops are coming home. They will all be home by the summer of 2014. Our defense cuts kick in in 2015, so nothing we do will in any way dilute, diminish, end or terminate money that would go to our men and women in harm's way. So our cuts don't kick in until 2015, and then it will be $3 billion a year over a 9-year period, which our generals and our Acting Secretary of Defense, Secretary Hagel, now concur with. So we are OK with defense. And, most of all, the military is OK with it.

Then we also cut domestic spending. Here, we cut $27 billion in the farm bill. It eliminates subsidies we don't need to do anymore. The Presiding Officer is from an agricultural State. We love your cheese. We even from time to time cheer on the Green Bay Packers. So we know agriculture is important. But essentially, we have a tax subsidy structure that goes back to the 1930s—a different economy, a Dust Bowl, people vacating homes in Oklahoma and following the grapes of wrath trail to California. So we came up through the New Deal with a way of subsidizing farms, restoring the land, and restoring people to their land. But a lot of those subsidies aren't needed anymore and, quite frankly, a lot goes to agra business for crops not even planted. So working with the Agricultural Committee—Appropriations didn't do this out of the blue—we come up with $27.5 billion.

Much is said about asking Democrats if we know math. Yes, we know math. We have $27.5 billion cuts in domestic spending, $27.5 billion cuts in defense kicking in in 2015. That is $55 billion. Getting rid of tax-break earmarks and making those who make more than $2 million a year pay their fair share, we come up with 110. Quite simply, that is our plan.

I spoke quite a bit during this week about the impact of sequester. Sequester was never meant to happen. We have got to end sequester. We could do it this afternoon. For all those people who are crying their tears and don't want it, do they want to protect America's middle class, the 99 percent, or do they want to protect billionaire tax-break earmarks? That is the choice. So they can rally: We don't want to pay more taxes. You can't have a government without paying taxes. And ordinary people pay them every day.

Do you know what drives me wild? There is this fix the debt crowd flew in. I watched them fly in. I loved it. They stayed in Washington where they could take expense account deductions while they came to lobby us. And how did they come in? On their subsidized tax-break jets and their expense accounts that they could deduct, from sushi to Cabernet. They came to tell us to raise Social Security. Then they told us to raise the age in Medicare because, after all, people live longer. Maybe when you have all that wealth you can afford health care and you don't need Medicare. Nobody has to take Medicare. If you don't need it, you don't have to take it. If you don't need Social Security, you don't need to take it.

My whole point was, often the very solutions are given by people who get the most tax breaks. That is a pet peeve of mine.

But really what hurts me is this: I represent some of the great iconic institutions in America—the National Institutes of Health, the National Security Agency, each doing its own work to protect the American people. The Federal Drug Administration—I have 4,000 Federal employees keeping our drugs and medical devices safe for the American people. And food safety. We have to make sure those people work so our private sector works and we keep our economy strong.

The Democratic alternative is sound from the standpoint of policy, it is sustainable and reliable. We could end sequester this afternoon.

I will be back to talk more about it. But I think we have a good idea here. Let's not follow the politics and let's not dither in the U.S. Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Rhode Island.

Mr. TOOMEY. Madam President, would the Senator from Rhode Island yield for a question?

Mr. WHITEHOUSE. I yield for a question.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. I thank the Senator, the gentleman from Rhode Island.

I wish to ask a question clarifying the procedure. My understanding is there is time reserved for me after the Senator from Rhode Island finishes with his comments.

The PRESIDING OFFICER. No order has been forthcoming to that effect yet.

Mr. TOOMEY. But there will be time available?

Mr. WHITEHOUSE. Having the floor, why don't I propose now that at the conclusion of my remarks Senator TOOMEY be recognized.

Mr. TOOMEY. I have no further questions. I thank the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania will be next.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am rising today in strong support of Leader REID's proposal to stop the sequester. We need to reduce our debt and deficit. We should do so in a thoughtful manner.

We have so often on this floor heard our Republican friends criticize Democratic legislation as job killing: a job-killing bill, a job-killing proposal. We hear that all the time. Often that charge has been without much factual support, but it is part of the common rhetoric in this room. But now we face an event that actually is expected to cause the loss of 1 million jobs, and yet so many Republicans support these cuts in their fixation, frankly, on what economists call budget austerity, cutting your way out of a recession.

How has the budget austerity record worked? There is a record now, because a lot of countries have tried it—from Spain to Portugal to Greece, countries slashed spending to address deficits in the name of budget austerity. Their record? Lousy. Persistent double-digit unemployment and negative economic growth.

The U.S. unemployment rate of 7.9 percent—which is actually even higher in my home State—is for sure too high, but it is far better than the rate of 26 percent unemployment in Spain and Greece, the record of 16 percent unemployment in Portugal. Our 2.3 percent growth rate may seem inadequate, and it is; but as we recover from the deepest recession we have seen since the Great Depression, it is much better than the negative growth rates in the countries that took the austerity path. The results are clear. The evidence is in from the austerity experiments. The countries that cut the deepest have been hurt the most.

If we want to continue growing our economy and creating jobs, we need to resist the European path that is championed by Republican austerity advocates. We need to maintain the balanced approach that has brought the U.S. economy up out of recession—admittedly, not fast enough. But look at what the alternative has been.

Leader REID's bill would replace the indiscriminate cuts of the so-called sequester with targeted cuts to agricultural subsidies and defense spending—as the chairman of the Appropriations Committee said—after the troops are home when the costs can necessarily come down, paired with revenue not from raising taxes but from closing a loophole, a tax loophole that allows the highest paid people in America to pay lower tax rates than regular middle-class families.

I heard the passion of Senator MCCAIN—and I respect him immensely—on the harm the sequester will do to the military. We have a way out. It is a question of priorities. Do you really want to protect the military from these cuts or is it more important to protect the low tax rates of billionaires? That is the choice, and that is the choice they are making. Leader REID's is a smart and balanced bill, and I hope it will pass.

To put this into some context about where we are on spending cuts, the ranking member of the Budget Committee said this week that President Obama was opposed to spending cuts. I have the transcript of what he said in

committee here: The President believes no spending, even wasteful spending, should be cut.

Well, let's look at the facts. Through the Budget Control Act of 2011 and several other measures, we have cut spending almost $1.5 trillion in the budget period of the next decade. When you include interest savings—the top part—from that reduced borrowing, it comes to $1.7 trillion in spending cuts and associated interest savings.

On the revenue side, we have only generated a little over $700 billion from ending the Bush tax cuts for the top 1 percent—at least over $450,000 in income—and from the associated interest savings. This together puts us $2.4 trillion in deficit reduction toward our goal of $4 trillion in total deficit reduction that most economists agree is needed to stabilize our budget. But notice, in the balance between spending cuts and new revenues, spending cuts are ahead by $1 trillion.

The ranking member of the Budget Committee said President Obama believes no spending, even wasteful spending, should be cut. And he is $1 trillion ahead on spending versus revenues. We have cut $7 of spending for every $3 of revenue, even though right now U.S. Government revenue is at its lowest percentage of GDP in more than 50 years, more than half a century. Our proposal going forward is 50/50, spending cuts and revenues. So let's not pretend we are immune to or allergic to spending cuts. There have been more spending cuts than new revenues. We have tried to find a balanced approach and so far, in this $2.4 trillion, we have not even looked at tax loopholes, at spending that happens through the Tax Code that mostly benefits big corporations, special interests, and super-high-end American earners.

Take a look at how big that amount is. We collect, in individual income tax revenue, a little over $1 trillion every year from individuals. But the total liability of individuals under the Tax Code is over $2 trillion. What happens to this other $1.02 trillion? It flows back out. It never comes into the government as revenues. It goes back to people as tax deductions, loopholes, and various ways that we spend money through the Tax Code.

If you look at the corporate income tax side, it is about the same. We look at our corporations—which, by the way, contribute about one-sixth as much into our national revenue as they used to. They are at an all-time low in terms of contributing to our national revenues in the last couple of decades—60 years, I want to say. They are at $118 billion that actually gets collected and becomes revenue. And there is another $157 billion that is corporate tax liability, but we let them get it back through loopholes in the Tax Code. You put them together and you have $1.16 trillion that we can use to help defeat or replace the sequester.

It is a big deal to look at the tax spending as well as just the revenues that come in. We have done nothing on that yet. That should be part of this discussion. That is what we do in the proposal I put out.

Last year we spent a great deal of time in this body debating whether the top income tax rate should be 35 percent or 39.6 percent, and we ultimately set the rate at 39.6 percent for families whose income is over $450,000. But what we know is that many of those families will never pay anything close to that rate. The Tax Code is riddled with those special provisions that I talked about, the loopholes, the tax spending that disproportionately benefits high-income folks. They are special deals for special interests. Of them all, perhaps the most egregious is the so-called carried interest loophole that allows billionaires—literally billionaires—to pay lower tax rates than regular families. That is why in the last election it became apparent that Mitt Romney was paying something like an 11-percent tax rate.

It is not just Mitt Romney. The IRS tracks the effective tax rates paid by the top 400 highest income earners in the country. In 2009, the last year they have data, the top 400 earned an average of over $200 million each, 1 year's income, over $200 million each. What did they pay in taxes on average? About 20 percent. About 20 percent on average. Some paid more. The nominal rate was supposed to be 35 percent. How many Mitt Romneys are there paying 11 percent in order to average to 20 percent? And 20 percent is the same rate that an average firefighter pays in Rhode Island, or a brickmason pays in Rhode Island. Don't tell me a billionaire hedge fund manager cannot pay a higher tax rate than a brickmason.

It is not just the top 400. The Congressional Research Service estimates that about a quarter of people in America who make more than $1 million a year, about a quarter of them pay lower tax rates than over 10 million middle-income taxpayers. In that sense the Tax Code is upside-down in favor of these high-income earners. Loopholes let them do that.

So we cut across all these loopholes with the so-called Buffett rule. They are supposed to pay 39.6 percent. The Buffett rule says: Ok, take all the loopholes you want, but you cannot go below 30 percent. We will let you take off 9.6 percent of the rate the law says you are supposed to pay but you cannot go below 30 percent. You can't go to 11 percent. You cannot be paying lower than a brickmason pays. That is in our sequester replacement bill. It produces $71 billion.

High-earning professionals can perform another trick. They can avoid paying Social Security and Medicare taxes simply by calling themselves corporations for tax purposes. You heard the Republican Presidential candidate say corporations are people. This is the flip side. These people are corporations. If you make enough money you can afford to turn yourself into a corporation to dodge paying your Social Security and your Medicare contributions. So the second item on my list closes that loophole too, which is another $9 billion.

The next item on the list contributes $3 billion by ending special depreciation rules for private jets. Private jet owners can depreciate their aircraft faster, for tax purposes, than commercial aircraft. I am very happy for anybody who is successful enough to have a private jet. But that luxury need not be subsidized by taxpayers. Setting aside the need for this because of the sequester, this is a change that makes sense just on fairness grounds. It stands on its own and it is another $3 billion.

The fourth provision in my bill would end tax breaks for big oil companies. Over the past decade the big five oil companies have collectively enjoyed over $1 trillion in profits—yes, trillion with a T. Repealing taxpayer giveaways to them is something we should be doing anyway. It is another $24 billion toward getting rid of the sequester.

The final provision in my plan helps replace the sequester by ending a tax break that, unbelievably, rewards manufacturers that close up shop in the United States and move jobs to other countries. It does that by allowing those corporations to indefinitely delay paying taxes on profits from those foreign overseas operations. Ending the deferral loophole for companies that manufacture goods overseas for sale to American customers is something we should do anyway to support our domestic manufacturers. It adds almost $20 billion toward replacing the sequester cuts.

Each one of these five provisions would make the Tax Code more fair for ordinary Americans. I love our chairman of Appropriations. She can speak to issues on the floor of the Senate like nobody else. When she said these are cushy, lobbyist-driven earmarks, she is dead right. They do not deserve to stand on their own. And we can get rid of some of the smelliest ones and spare ourselves the sequester and the loss of a million jobs at the same time? Gosh, I think we ought to be doing that.

I strongly support Leader REID's bill to replace the sequester cuts with a 50/50 mix of revenue and spending. But I also want to show we can avoid the sequester for the coming year by looking at the vast tax spending we do through loopholes and gimmicks in the Tax Code—usually for the benefit of powerful corporations, special interests, and very high-income individuals. When you set that against the economic harm the sequester is going to cause to our country, closing those loopholes should be a higher priority, on economic grounds and on grounds of fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

HOUSE PASSAGE OF VAWA

Mr. LEAHY. Madam President, I thank the distinguished Senator from Pennsylvania for allowing me to go first. I assure him I will be very brief. I know the distinguished Senator from Washington State is here. She has an interest in what I am going to say because of her very strong support of the Violence Against Women bill.

Earlier this month, the Senate came together in the best tradition of the chamber to pass the Leahy-Crapo Violence Against Women Reauthorization Act with a strong bipartisan vote. I am happy to report that the House of Representatives just passed the Senate-passed bill. This vital legislation will now go to the President, and it will be signed into law. It will help victims of rape and domestic violence and victims of human trafficking who could not wait another day for us to act. This action of Congress will prevent terrible crimes and help countless victims rebuild their lives.

Today Congress showed that we still can act in a bipartisan way. I thank Senator CRAPO for being my partner on this legislation from the beginning, and I was glad when he and Senator MURKOWSKI, another steadfast supporter, joined me on a bipartisan letter earlier this week asking Speaker BOEHNER to pass this legislation to help all victims of domestic and sexual violence. Today, the House followed the Senate's example, and listened to the call from thousands of survivors of violence and law enforcement by passing this fully-inclusive, life-saving legislation with a bipartisan vote.

We made the Violence Against Women Act our top priority this Congress but it should not have taken this long. Our bill was written with the input of law enforcement, victims, and the people who work with victims every day to address real needs. None of the commonsense changes it included should have been controversial. Still, at a time when we face gridlock and stonewalling on even the most compelling issues, I am glad to see that we could find a way to cut through all of that to help victims of violence.

This new law will make lives better. It will encourage and fund practices proven to help law enforcement and victim service providers reduce domestic violence homicides. It will lead to more investigation and prosecution of rape and sexual assault crimes and more services provided to victims of those crimes. It will also help eliminate backlogs of untested rape kits to help those victims receive justice and security promptly.

This reauthorization, like every VAWA reauthorization before it, takes new steps to ensure that we can reach the most vulnerable victims whose needs are not being met. For the first time, it guarantees that all victims can receive needed services, regardless of sexual orientation or gender identity. This law strengthens protections for vulnerable immigrant victims. It ensures that colleges and universities will do more to protect students from domestic and sexual violence. This reauthorization also takes important new steps to combat the appalling epidemic of domestic violence on tribal lands and to ensure that no perpetrators of this terrible crime are above the law.

The bill that the President will sign also includes the Trafficking Victims Protection Reauthorization Act, which continues and strengthens effective programs to help us take on the scourge of human trafficking. It is unacceptable that 150 years after the Emancipation Proclamation, the evils of sex trafficking and labor trafficking, forms of modern day slavery, still exist around the world and even in the United States. It has been too difficult, but I am glad that Congress is finally acting once again to address trafficking.

I will never forget going as a young prosecutor to crime scenes at 2:00 in the morning and seeing the victims of these awful crimes. As we worked on this bill, I heard the moving stories in hearings and rallies and meetings of those who survived true horrors and had the courage to share their stories in the hopes that others could be spared what they went through. We have finally come together to honor their courage and take the action they demanded.

I thank the many Senators and Representatives of both parties who have helped to lead this fight, and the leadership of both Houses who have prioritized moving this vital legislation. I thank Representative COLE for his steadfast dedication to help preserve the protections for Native women. But most of all, I thank the tireless victims, advocates, and service providers who have given so much of themselves to ensure that this legislation would pass and that, when it did, it would make a real difference. Lives will be better because of their work and because of this law.

I yield the floor and thank my colleagues.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Madam President, I rise to address the issue of the sequestration and the Democratic and Republican alternatives. But I want to start by expressing how disappointed I am that we are having the debate in this fashion. This is certainly among the very most important issues we are grappling with—should be grappling with as a Senate, as a Congress, as a Federal Government. Getting ourselves on a sustainable fiscal path is as important as anything we can be doing. The sequestration is an important part of that, and unfortunately the majority party here does not want to have a full and open debate and will not permit multiple amendments from both sides.

I don't know how many ideas there are on the Democratic side. I know there are at least three or four or five different ideas on the Republican side. Frankly, I think any sensible approach to this ought to have a full and open, robust debate and I am happy to vote on every one of them. I will vote against some, I will probably vote for others. But why in the world would we say there can only be two choices, one Democratic choice and one Republican choice? I have to say I am extremely disappointed that we have gotten to this point where we cannot have an open debate and amendments on a wide range of ideas, because the challenges require that kind of response. It is very disappointing that the majority party refuses to conduct that debate and appears unwilling to have those votes.

Nevertheless, I have developed a bill, together with Senator INHOFE, which I think is a much more sensible way to achieve the savings we badly need. I will say unequivocally, we need to trim spending. We cannot continue spending at the rate we have been spending money. We cannot continue trillion dollar deficits. We have a $16 trillion debt. The massive deficits and the accumulated debt are today costing us jobs and holding back our economy, so we need to begin the process of getting spending under control. Frankly, the sequester barely starts that process.

The President has been campaigning around the country, spreading this idea that somehow we are going to have a complete economic disaster and meltdown if this modest spending discipline goes ahead. We keep hearing about austerity. The question is, what austerity? Let me put a little context into what we are talking about here.

First of all, over the last 12 years, the Federal Government has doubled in size. We spend 100 percent more now than we did a dozen years ago. After this huge run-up in the size of Federal spending, this sequester—if it goes into effect or its equivalent—would reduce spending by 2.3 percent. After growing by 100 percent, we cannot find 2.3 percent? By the way, that is budget authority, which means permission to spend the actual amount that would be spent during this year would go down by about 1.2 percent. That is less than one-half of 1 percent of our economy.

Here is the other thing. This is how much austerity we are talking about: If the savings of the sequester go into effect, total spending by the government in 2013 will be greater than spending was in 2012. So let's just be clear about what is going on here. This is not nearly the amount of savings we need. This is merely one step in the right direction. While government has been growing, the economy has not. We have had all of this spending growth. We have had massive deficits. What have we gotten in return? The worst economic recovery from any recession since the Great Depression.

We have an unemployment rate that is persistently unacceptably high. Eight percent is the official measure of unemployment, but when we take into

account the people who have given up looking for work altogether, it is much higher than that. The fact is economic growth doesn't depend on a bloated government that is always growing.

In fact, we will have stronger economic growth as soon as we begin to demonstrate that we can get on a sustainable fiscal path, as soon as we can start to take the threat of a fiscal collapse off the table by showing we can get spending under control. It is absolutely essential for the sake of our economy and job growth that we achieve the savings of this sequester.

I am the first to acknowledge there are a couple of problems with the way this legislation goes about it, and that is the reason I introduced this legislation along with Senator INHOFE. The two big problems are, first, the savings hit our defense budget disproportionately. The defense budget is about 18 percent of total spending, but it is half of this whole sequester, and that is after we have already cut defense spending. I am very sympathetic to the concern that this imposes a real problem on our defense budget.

The second problem is that the cuts are not very thoughtfully designed. There is no discretion or flexibility. The categories that are subject to the sequestration are spending cuts across the board. There are huge categories that are not subjected, such as the entire Social Security Program and many others that are not affected at all. But for those programs that are cut, there is no ability to discern which programs ought to be cut more or which ones ought to be cut less and which ones, perhaps, should not be cut at all.

The bill Senator INHOFE and I have introduced and will be voting on today—at least the cloture motion—addresses both of these problems. It does require that we achieve the savings of the sequester—and that is very important—but it would allow the President flexibility in how it is achieved so we don't have these very ham-handed, poorly designed, across-the-board cuts.

If the bill passes, the President will be able to go to his service chiefs on the defense side, he could go to his agency and department heads on the nondefense side and say: OK. Look, you have been used to budgets that keep growing and growing, and that is what has been happening. This year you are going to have to cut back a little bit. It will be a few pennies of every dollar. Look for the programs that are working least well or not at all. Look for areas where there is waste and inefficiency. Look for redundancies, and that is where we are going to trim a little bit, and we will hit these goals.

That is what competent managers in any business would do. That is what families have to do, and that is what State and local governments have to do. That is what we need to do here, and that is what this bill would enable the President to do. He would have to find the areas where we can make the cuts without causing great disruption.

This is not a blank check for the President. There are constraints on what the President could do under the legislation that Senator INHOFE and I are proposing. For instance, there could be no tax hike. We don't think we need still more tax increases after all the ones we have recently been through. The defense cuts could not be any greater than what is contemplated in the current sequestration. Under Senator INHOFE's approach and mine, they could be less. The President could choose to follow the advice of his senior military advisers and cut the defense budget a little bit less and shift this elsewhere.

I am one who believes our defense budget should not be exempt from scrutiny, from spending discipline, and some cuts, but I think they ought to be done carefully and thoughtfully.

The President would not be able to increase any amounts. This is not an exercise in just shifting money to another account. It is a question of where we can do the cuts most thoughtfully and sensibly. Any cuts in the defense budget would have to be consistent with the National Defense Authorization Act that has been passed. The President would have to achieve 100 percent of the savings; that is part of this. He could not use any gimmicks to do it. There would be no phony cuts in the future offset by promises for cuts at another time. There would be none of that. It would have to be straightforward and honest.

Finally—and I think this is an important part—Congress would have a final say. When the President—under this approach if it were to pass and be signed into law—would be required to propose an alternative series of cuts, and then Congress could vote to disapprove them if Congress chose to do that. Ultimately, Congress would still control that important element of the purse strings, but we would allow the President to find the most sensible way to do this.

The President is saying he does not want this flexibility. That is kind of unbelievable to me. He is going around the country scaring the American people and threatening all kinds of disastrous things he says he will have to do. Then in the same breath he says: By the way, don't give me the flexibility to do something else. I don't understand that. It seems to me the obvious thing to do is to do these cuts in a way that would not be disruptive and would not do harm.

Let me give one particular example: A good example is the FAA. If the sequester goes into effect on the FAA, the budget there will be cut by $670 million. That is from a total of just about $17 billion.

The President and the Transportation Secretary have said if the sequester goes into effect, they are going to lay off air traffic controllers; they might have to shut down control towers; we will have long delays at airports with flights being canceled. All kinds of problems. It is interesting to note, if the sequester goes into effect, the amount of funding available to the FAA will still be more than what the President asked for in his budget.

In his budget request was the President planning on laying off air traffic controllers and shutting down airports and control towers? I rather doubt it. So if we gave the President the flexibility just within the FAA budget, the President could adopt the kinds of savings that he proposed in his own budget and have enough money to pay all of the air traffic controllers and keep the airports running. The point is even within the FAA's budget, there would be no service disruptions whatsoever. They are not necessary.

Our bill would give the President even more flexibility. He would be able to achieve savings in other areas. In other words, he would not have to hit a particular savings number for the FAA. He might find savings in other places. Let me suggest we have an unbelievably lengthy list of opportunities to reduce excessive and wasteful government spending. Instead of closing down air traffic control facilities or military bases or FBI offices, maybe what the President could do is cut back on Federal employee travel.

We spend $1 billion a year for Federal employees to go on conferences and trips. Maybe we could cut back on the cell phone subsidies where we buy cell phones for people, costing $1.5 billion a year. We spend millions of dollars on an old-fashioned style trolley in St. Louis, millions on a sports diplomacy exchange program. We have 14,000 vacant and underutilized properties. We spend money for a cowboy poetry festival and $1 million for taste-testing foods to be served on Mars.

I don't know about anybody else, but I think some of these are a little less important than keeping our air control system intact and safe. To me, it seems like common sense that we ought to give the President the discretion he needs to reduce the spending on the less vital things and continue to fund the important things.

We don't have to only go after wasteful spending, we have an unbelievable number of redundancy in duplicate programs. I have just a few examples. We have 80 different economic development programs spread across the Federal Government. We have 94 different programs to encourage the construction of green buildings. We have 47 different job training programs.

Doesn't it make sense if we are going to have some savings that we look to those programs that are not working so well? It cannot be that every program is equal. I guarantee that some of them are not working so well. I would like to think that the administration has metrics for performance and it knows which ones are performing better and which ones are not. We could concentrate the cuts on those that are not working or we could decide to consolidate this huge plethora of programs

and save a lot of money and overhead in administrative and bureaucracy costs.

There is just any number of ways to achieve savings. Senator TOM COBURN has made an enormous contribution to our Federal Government by providing exhaustive litanies of duplication, redundancies, waste, and excesses. In addition to what I have mentioned, that would be a very useful place to begin in terms of finding alternatives.

I would simply say we have a simple choice here. This sequester is going into effect. Nobody here suggests they have the votes or they have a way to prevent it. So the question is, Are we going to achieve these savings through badly designed spending cuts that make no attempt whatsoever to distinguish between more sensible government spending and less sensible government spending or will we adopt this bill that Senator INHOFE and I have introduced which will give the President the flexibility to cut where the cuts would not be painful, where there is waste, and where there are excesses? We are talking about what will amount in actual outlays to a little over 1 percent of the total government spending. This is a government that has doubled in size in the last 12 years.

The people in Pennsylvania who I represent don't believe that every dollar of government spending is spent wisely and prudently and is necessary. They know that there is a lot of waste.

This is all about the next 6 months. As we know, the $1.2 trillion in savings in subsequent years is achieved by statutory spending caps. In those years the savings will be figured out by the Appropriations Committee, which is where this should be happening. I wish we had taken up an appropriations bill over this last year, but we didn't. At least given the reality that we face, we have an opportunity to avoid the kind of calamity and disaster that is being threatened and is completely unnecessary.

I hope we will do the commonsense thing and adopt a bill that will give the President the flexibility he needs to make these cuts in a rational and sensible fashion. We need to achieve the savings for the sake of economic growth and job creation. This is no time to trade higher taxes for more spending, as my Democratic colleagues would prefer. This is a time to make sensible cuts in spending. We can do that, and I urge adoption of the measure that Senator INHOFE and I have proposed.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, in the last 2 weeks we have learned more and more what the across-the-board cuts for sequestration really mean for our families and our communities that we all represent. We have heard of workers who are on pins and needles about getting a layoff notice. We have heard from businesses that are expecting fewer customers. We heard from school superintendents wondering how they are going to absorb deeper cuts on the budgets that are already extremely tight.

After 2 years of watching our economy lurch from crisis to crisis, I think we can all agree the American people have dealt with more than enough of this. That is why I am here today urging our colleagues to support the American Family Economic Protection Act which will replace the automatic cuts from sequestration in a responsible and a fair way.

Our legislation builds on the precedent that was set in the year-end deal, and it is in line with the balanced approach that the American people favor. It would replace the first year of the sequestration with equal amounts of responsible spending cuts and revenue from the wealthiest Americans and biggest corporations. Half of the deficit reduction would come from responsible cuts evenly divided between domestic and defense spending.

As the drawdown from Afghanistan is completed, our bill will make targeted reductions in an overall defense budget which will be phased in responsibly as the drawdown from Afghanistan is completed and are in line with the strong military strategy for the 21st century.

Our bill would eliminate the direct payments to farmers that have been paid out even during good times for crops that are not grown. Those are the kinds of cuts we can and should make, because responsibly tackling our debt and deficit is crucial to our country's long-term strength and prosperity.

But to do this in a way that puts American families and our economy first, we are all going to have to do our fair share, and middle-class families and seniors and the most vulnerable Americans shouldn't be asked to share the whole burden alone.

Our bill would replace half the sequestration with new revenues from the wealthiest Americans and biggest corporations. It calls on the wealthiest Americans to pay at least the same marginal tax rate on their income as our middle-class families pay. It will help reduce the deficit by eliminating a tax break that encourages companies to ship jobs overseas and by getting rid of a special tax loophole for oil companies. At a time when there are so many American families struggling just to get their kids off to college or to pay their mortgage or to put food on the table, it only seems fair to ask those who can afford it the most to contribute to this national challenge as well.

My Republican colleagues will say the year-end deal closed the door on revenue. Most of them seem to think that closing loopholes for the richest Americans is too high a price to pay—even to replace the serious cuts to defense that are going into effect. Instead, they say all we need is more spending cuts.

But that is not how the American people see it. More than a month after the year-end deal, 76 percent of Americans—and, by the way, 56 percent of Republicans—favored a combination of spending cuts and revenue increases to reduce our deficit.

We also know the American people want an end to the cycle of looming deadlines and uncertainty and political posturing we are seeing here in Washington, DC. They have spent enough time wondering if infighting in Congress will affect their paycheck or the businesses they have worked hard to rebuild or the future they want for their children. I think we can all agree our constituents deserve a solution and some certainty.

So our legislation meets Republicans halfway. It reflects the balanced approach the majority of the American public wants. It protects families and communities we represent from slower economic growth and fewer jobs and a weakened national defense. And it allows us to move past this sequestration debate toward a fair, comprehensive budget deal that provides certainty for American families and businesses.

While the Democrats have taken a balanced and responsible approach in our sequestration replacement bill, Republicans have gone in a very different direction. They seem to be more focused today on trying to make sure President Obama gets the blame for these cuts than actually trying to stop them. We have all been hearing from our constituents. They want us to come together to solve this problem. They want to see compromise. They want to see a balanced replacement. But the Republican Inhofe-Toomey bill fails to meet these expectations. It does not solve the problem. It doesn't stop sequestration. It is not a compromise. I urge all of our colleagues to oppose it.

The Republican Inhofe-Toomey bill would keep in place the massive cuts to both domestic and defense spending. It wouldn't replace them; it would lock them in. Instead of making the tough decisions required to replace those cuts with responsible deficit reduction the way our bill does, the Republican bill simply hands the problem off to the President. Instead of taking a balanced approach—the approach that is favored by the vast majority of the American people—the Republican bill would protect the wealthiest Americans and biggest corporations from paying even a penny more in taxes to help us solve this, while pushing the entire burden of deficit reduction onto the backs of our families and our communities and national defense programs. Their bill would protect defense spending from cuts, open up nondefense spending to more cuts, and specifically prohibit raising revenue to replace the cuts.

One of my Republican colleagues who is very concerned about the cuts to defense spending that would be locked in by this Republican bill called this approach ''a complete cop-out.'' That

same Republican said if something such as this were to pass, Republicans would be forcing President Obama to make impossible choices and then ''every decision he'll make, we'll criticize.''

Another Republican opposed this approach as well, saying, ''I believe the appropriations process belongs in the legislative branch.'' That is us.

The Republican bill will be devastating to our economy. The Congressional Budget Office has estimated that sequestration would cause 750,000 workers to lose their jobs by the end of this year. They estimate the economy would shrink by six-tenths of a percent by the end of the year. Federal Reserve Chairman Ben Bernanke said on Tuesday that rearranging these cuts would not have any substantial impact on the near-term economic picture.

Republicans have spent months talking about how they would not raise taxes on the rich and that we need a cut-only approach. But now they can't even agree on a bill that names a single cut. They want the President to do it. Leader REID and Leader MCCONNELL agreed to have these votes we are having today over 2 weeks ago, and it took the Republicans until last night to decide what they were even going to bring to the table. After all that time, they decided to play political games and not make any of the tough choices.

Tackling our debt and deficit responsibly is a serious issue, so I hope Republicans get serious. I hope they will listen to their constituents, come back to the table, and work with us on a responsible replacement to these automatic cuts that are scheduled to begin tomorrow.

I urge my colleagues to support our approach, the American Family Economic Protection Act, and to oppose the Toomey-Inhofe bill.

VAWA

Before I yield the floor, I wish to say that I am very pleased the House of Representatives just took up and passed the long delayed, very hard-won, and badly needed victory for millions of women in this country, the Violence Against Women Act that was just passed. That means that after over 16 months of struggle, tribal women in this country, the LGBT community, immigrants, and women on colleges campuses will now have the tools and resources this life-saving bill provides.

The passage of VAWA today is validation of what we all have been saying on this side, and I am proud of the Senate for its bipartisan work. I see Senator CRAPO here today, and I thank him for his leadership on this critical issue.

I have heard from so many women throughout this months-long battle, and I especially want to mention one woman today: Deborah Parker, a member of the Tulalip Tribe from my home State who happened to be here the day many months ago when Congress wanted to dump the tribal provisions in order to move the bill. She stood up with all the courage she could muster and told the story she had never told before about the abuse she had suffered while she was a very young girl and watching the same person who abused her abuse other tribal members because she had nowhere to go for recourse.

Today, that changes, for Deborah Parker and for thousands and thousands of other tribal members and other women and men in this country. I am very proud of the bipartisan work and I am very excited that this President is going to sign this bill into law and pass something that is going to make a difference in the lives of many Americans.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, as I look at my watch, the clock is ticking toward midnight. Midnight becomes March 1, and that is the point at which the sequester kicks in, which is the across-the-board cuts—hardly massive when this year it will be about 1.2 percent of our total outlays this year. So, I am not sure how the word ''massive'' can be used with any credibility; but, nevertheless, this is going to happen.

Republicans have proposed a way to address the President's concerns—the very concerns that have been stated on this floor—including the concern that across-the-board cuts is no way to govern because it doesn't separate the essential from the nonessential. I think we as Republicans couldn't agree more. It is not the best way to govern, because it treats everything on an equal basis and basically says that every Federal program, no matter what its performance over the years, doesn't deserve a look at how to adjust it for its lack or strength of performance. It doesn't separate what the essential functions of the Federal Government are from the ''this is what we would like to do but can't afford to do right now.'' So, to say that this government and the out-of-control spending that has occurred over these last several years is totally functional and that every penny we have spent is wisely spent and has been done in the interests of the taxpayer and protecting their hard-earned dollars, and that the money we are extracting from them through ever-increasing taxes—some of which happened less than 2 months ago on every American; every American's paycheck was reduced. It is not just the millionaires and billionaires who took the hit, because $620 billion over 10 years of money comes out of Americans' paychecks. So, for someone to say that what we are doing is massive when this year it amounts to a 1.2-percent cut in total spending, when virtually every business in America, every family in America has had to tighten its belt, given the recession and the slow economic growth, when we continue to have 23 million unemployed or underemployed people in this country, and then to simply say we don't have a spending problem, as the President famously said, defies common sense.

We don't need fancy explanations or fancy words such as ''sequester'' for the American people to understand what is happening here. They see their States having to tighten their belt. They see the companies they work for having to tighten their belt. And, as families, they see themselves having to cut back on some of their spending or some of their future plans because they no longer can afford to do it. The only entity they see in the United States not addressing a fiscal imbalance is the U.S. Government.

In an attempt to deal with this a year and a half ago, Congress passed the so-called sequester. The sequester was a fallback in case we weren't able to come to grips with the problem we have and reach an accommodation, an agreement, on how to address it in the best way possible. This was the fail-safe. And all the attempts, starting with the President's own commission, which he rejected, and then the Gang of Six proposals, and then the super-committee of 12, all of the efforts, many of them on a bipartisan basis, for whatever reason did not succeed. So, what was put in place to drive a solution, didn't drive a solution, and as a result, here we are with a sequester. But, to say the sequester cutting, this year, 1.2 percent from total spending, is going to make the sky fall and cause a total economic meltdown and keep people from getting on their planes and keep us from ordering meat because meat inspectors can't go to the meat processing plants to certify the quality of the meat, and all of the things the President is out campaigning for, for his own program—it was the President's idea. Maybe it was his staff, but he certainly had to agree to it. It was proposed by the President and now he is out campaigning against it. In fact, it wasn't that long ago when he said if it didn't go into effect, he would veto it. So there has been a real change here, and I won't go into the motivation for all of that.

There is also talk about balance. Balance is a code word for new taxes and for more taxes. It has been said over the past couple of years, during the campaign and leading all the way up to the fiscal cliff vote, that Republicans would refuse to give in on any kind of tax increase, even if it was on millionaires and billionaires. In the end the President won that battle and Republicans supported it. Even though we did not believe that was the best way to go forward to get our economy to grow and to provide the kind of economic growth we are all looking for, we supported that. Now, we here we are just two months later with the same tired phrase that Republicans won't take 1 penny from the rich when they just took $620 billion from the rich; therefore, what we need are more taxes on the American people to achieve balance.

It seems the White House has an obsession with solving this problem through increasing taxes and not wanting to make the hard decisions to cut even 1.2 percent of our total budget—2.4 in succeeding years. To say we cannot, through our oversight responsibility, find 2.4 percent, and this year 1.2 percent, of waste, of corruption, of misuse of programs that no longer are viable—maybe they were well-intended in the past but they certainly have not proven themselves worthy of asking taxpayers to keep sending their hard-earned money to Washington in order to cover that spending—when Senator COBURN, Senator TOOMEY, when many of us—I have been standing here every day in virtually every session basically saying, just through waste and ineffective programs we can easily come up with this amount of money. Everyone else in America has had to do it. Why can't we?

The charge we have heard over and over is that this is such a terrible way to address it that we need the flexibility so these agencies can move the money around and take the money from the nonessential programs to keep the security at the airports with the FAA and the air traffic controllers and also keep the meat inspectors and the others who are essential.

In order to keep them from having to take the hit, we came up with the idea—Senator TOOMEY and Senator INHOFE—that gives the executive branch the flexibility. That is what they have been asking for all these years. If we have to have the sequester, just do not do it across the board because it forces us to do things we do not want to do. But if we had the flexibility—if you could give us the flexibility—then we could move the money within the accounts and we would still reach the same amount of cuts—the 1.2 percent of this year's budget—but we would have the flexibility to not have to scare people or keep people waiting in lines at airports for 4 hours and do all the things, all the doomsday scenarios that have been proposed by the President and his Cabinet members.

We bring that forward and then suddenly there is a 180-degree reversal on the other side, which basically says: No, no, no. We do not want flexibility. That is not the way to do it. Well, what do you want? Yesterday you wanted flexibility. Today we gave it to you, and today you are saying: No, we do not want that. It sounds like what they want is only a solution to this problem if there is a big increase in taxes.

This word ''balance,'' which I say, is a code word for taxes. I just came from the Joint Economic Committee where a very respected economist, Michael Boskin, said: Balance is not 50–50 if you want economic growth because every dollar you raise in taxes is a hindrance to economic growth. He said: I am not saying there should not be increases in taxes. But the ratio should be ''5 or 6 to 1.'' If you want to position this country for growth, you need about five to six times the amount of spending cuts as taxes increased.

So balance—50–50—according to a very respected economist and many others—I do not know of anybody who said raising taxes encourages growth because it takes money out of the private sector and gives it to the public sector. But rather than get into that argument today, what the President defines as balance is simply evermore taxes to solve our problem, when we know that after 4 years of effort here that has not worked, and it will not work.

Mr. DURBIN. Mr. President, will the Senator from Indiana yield for a unanimous consent request? I will yield the floor right back.

Mr. COATS. I am happy to do that.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the motion to proceed currently pending, at 2:30 p.m. the Senate resume the motion to proceed to S. 16 and the Senate proceed to the cloture votes on the motions to proceed as provided under the previous order, with the time until 2:30 p.m. equally divided between the two leaders or their designees; further, all other provisions of the previous order remain in effect.

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

Mr. DURBIN. Mr. President, I thank my colleague for yielding.

Mr. COATS. Mr. President, I am going to wrap up because my colleagues want to speak also.

But, let me say this: I have been saying from this platform, and I have been saying from everywhere people will listen that we need to move to a solution to the problem. The solution to the problem involves, I believe, three or four essential elements, and I think there is widespread consensus on this among liberals, conservatives, Democrats, Republicans, economists, and others. Unless we address that which is growing out of control—which is our mandatory spending—no matter what we do on the spending level and no matter what else we do, we are not going to solve this problem and we are going to keep careening from short-term fix, short-term measure to the next one, from fiscal cliff to fiscal cliff.

Already, we have another cliff which people have not paid much attention to at the end of this month, where we have to fund the government for the rest of the year. That will be another drama, soap opera, played out before the American people. In May, we hit the debt limit.

None of this is necessary. None of this had to happen if we had taken the steps we knew we needed to take that were presented in the Simpson-Bowles presentation to the President years ago and, unfortunately, rejected that and basically said we are headed for catastrophe, we are headed for insolvency because this mandatory spending is growing out of control and the amount of discretionary spending we have which we can control is ever shrinking.

Yes, we need to sort out the fat, the duplication. My colleagues and I have been laying out things that I do think any American who looks at it carefully would say: Of course we do not need that, of course that is not an essential function of the Federal Government. It has had a miserable performance as a program. Why do we keep throwing money at it, particularly at a time of austerity when so many people are out of work.

Yes, we need to do that. But that needs to be coupled with what I think there is almost full agreement on: The need for comprehensive tax reform. That is where closing the loopholes, which Republicans are willing to do in order to lower the rates, to make us more competitive and make our Tax Code much simpler and much fairer—that needs to happen. Of course, it cannot happen if we take closing loophole money and use it for spending, which is what the President wants to do instead of using it to make our code simpler, fairer, and make us more competitive around the world and to promote growth.

That is a proven process. Unless we put that together with some regulatory reform—but most important of all and most essential of all is to address the runaway mandatory spending, which if not addressed will undermine the sanctity and the solvency of entitlement programs such as Social Security and Medicare. The trustees—do not trust a Republican conservative saying this—the trustees of the programs have said: ''You have to deal with this, and the longer you put it off, the tougher it is and the more painful it will be.''

This morning, again, Dr. Boskin and even Dr. Goolsbee—the President's former Economic Council head—said you have to do this, you have to take it on. You are taking it on to, one, save the programs, two, save the country from bankruptcy, and, three, give us the opportunity to have funds to pay for the essential functions of government.

We are not against government. We want it to be leaner, more efficient, more effective. My State has taken measures that quintuple what is being talked about here. We ended up achieving a surplus. We have a AAA bond rating. We have made our State government the most efficient, effective government with taxpayer dollars of any State in the country.

It can be done, and it can be done here. But what we have that is different from what our States have is the fact that mandatory spending—that spending which we have no control over—is eating our lunch. Until we step up and deal with it, we are not going to solve this problem; we are going to keep careening from crisis to crisis.

The real issue is—at this point, with the sequester going in place—can we step up and sensibly adjust it through flexibility in terms of how we reach

that goal? Can we summon the will and the political courage to do what we all, I believe, know we need to do; that is, simply to do what is right for the future of America—America's interests not our own political interests?

Finally, in my opinion, that cannot be done, despite all the time, all the efforts made, many on a bipartisan basis—Simpson-Bowles was bipartisan, the Gang of 6 was bipartisan, the Committee of 12 was bipartisan. It is not true we are at a standoff in terms of how to go forward. What we have not had is leadership from the White House. Something of this magnitude cannot be done without Presidential leadership, and the President has refused to do anything other than plead on a campaign basis for yet evermore taxes, which he calls balance.

So that is our challenge.

We need you, Mr. President, to lead the way. We will work together with you in putting together a package which achieves the right ratio. We will work together to do what is right for the future of America and not what is right for our political future this year or next.

I guess we are pleading with the President. Similar to Presidents of the past—Ronald Reagan, a Republican, and Bill Clinton, a Democrat, took on the toughest issues and together we worked for the benefit of our people and for the future of this country and we made enormous strides in that regard. But it would not have happened had the President not become engaged. At this point, the only engagement the President has made is to call for higher taxes and go out and campaign against those of us who are trying to sincerely address this problem.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

VIOLENCE AGAINST WOMEN ACT

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon to applaud the passage by the House, just a little while ago, of the Violence Against Women Act.

I wish to also congratulate my colleagues, Senator LEAHY, my neighbor from Vermont, and Senator CRAPO, who is on the floor today, for their leadership in getting this legislation passed so early in this session and for helping to see that it got shepherded through the House where it had been so challenging.

This is legislation that treats all victims equally regardless of whether they are Native Americans, whether they are members of the LGBT community, whether they are immigrants. It supports law enforcement by providing critical funding for police officers and prosecutors so they can hold abusers responsible. It supports crisis centers for women and families, to provide for immediate needs such as shelter and counseling.

On behalf of the thousands of women and families in New Hampshire who will benefit because of this reauthorization, I wish to thank all the 268 Members of the House who voted for it and all the people in the Senate where it had such a broad bipartisan majority.

Again, I thank my colleagues, Senators LEAHY and CRAPO, for the leadership they provided in getting this done.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I too want to stand to congratulate the House for their passage of the Violence Against Women Act. I thank the Senator from New Hampshire for her kind remarks.

I am honored to have worked on this bill with Senator LEAHY and my other colleagues in the Senate. Senator LEAHY and I have worked together for years on issues of domestic violence and stalking, and this is one of the key endeavors we needed to get across the finish line. Now we see that we will, and we will send this important legislation to the President.

I would also like to commend the advocates across the Nation and specifically the Idaho Coalition Against Sexual and Domestic Violence who have worked tirelessly on this issue.

As a longtime champion of the prevention of domestic violence, I am glad to see there are areas in Congress where we can come together to support these important causes.

This act provides critical services to victims of violent crime as well as agencies and organizations that provide important aid to those individuals. For nearly two decades, the Violence Against Women Act has been the centerpiece of our Nation's commitment to ending domestic violence, dating violence, and sexual violence. This legislation provides access to legal and social services for survivors. It provides training to law enforcement, prosecutors, judges, attorneys, and advocates to address these crimes in our Nation's communities. It provides intervention for those who have witnessed abuse and are more likely to be involved in this type of violence. It provides shelter and resources for victims who have nowhere else to turn.

There is significant evidence that these programs are working not just in Idaho but nationwide. The U.S. Department of Justice reported that the number of women killed by an intimate partner decreased by 35 percent between 1993 and 2008. In 2012 it was reported that in 1 day alone, 688 women and their children impacted by violence sought safety in an emergency shelter or received counseling, legal advocacy, and children's support.

These important provisions are making a difference in the lives of people across this Nation. I again wish to commend all of my colleagues who supported this legislation and helped to move this critical piece of legislation to the President's desk.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak about the vote we are going to have today at 2:30 regarding sequestration, and I wish to strongly support the notion of giving the executive branch the flexibility it needs over the next 7 months to work through this situation in a more graceful way.

To put this in perspective for the American people, we are going to spend $47 trillion of your money over this next decade. It was incumbent upon a bipartisan group about a year ago to try to come up with about $1.2 trillion in savings over that 10-year period. Believe it or not, that didn't happen. The sequestration was a method to ensure that at least there was some reduction in the growth of spending. I do want to say that there have been a lot of discussions about reductions in spending.

The overall effect of sequester over this 10-year period is not to reduce any spending but to slow the growth of spending over the next 10 years. We are one of the few entities in the world that don't budget off of last year's spending. It is not like your city, your county, your State government, your household, or your business. We budget off of projections and growth.

The task a year or so ago was for six Republicans and six Democrats to come up with $1.2 trillion. It is beyond belief that this did not occur. The sequester was put in place as a mechanism to ensure that there at least was some slowing of growth. The first 7 months of the sequester is the most ham-handed portion of it. It is cut at the PPA level. It is across the board and focused on two important categories. I agree that it is ham-handed, and the only thing worse than sequestration, in my opinion, would be kicking the can down the road on some much needed fiscal discipline here in Washington.

I hope what we will do today is get behind a very thoughtful proposal that would say: Look, we are still going to reduce spending by this amount, but we are going to give the executive branch, because this first 7 months is handled so differently that what happens after that—by the way, appropriators live within a top-line number, but they are able to weigh in on how that money should be spent, again, in two more specific categories than just the overall budget. So it is just this first 7 months.

I was at home last week in Tennessee and spoke with diverse groups of citizens.

Democrats thanked me for being willing to give some flexibility to the President to work through this.

Businesses obviously held this as incredibly intelligent. They need to deal with these kinds of issues right now. Many of them over the last several years have had to do the same kind of thing. Obviously, to them, it is very intelligent to give the executive branch a degree of flexibility where they have some transfer authority to work through this in a more graceful way.

Republicans thanked me because it was a way for us to at least begin turning the curve in a different direction

and certainly still having the cuts that are necessary in growth, I might add, not in real spending. That is where we are.

We have a proposal, the Toomey-Inhofe proposal, which gives the executive branch the flexibility to work through this. It is my understanding they don't want that flexibility. I can't imagine being President of the United States and having something that I thought was a little bit ham-handed and having Congress say: Look, we will candidly defer to you to make some transfers.

I have spoken with some of the folks in our security apparatus in this Nation. They said this to me: CORKER, look, we understand we are going to have some reductions, but if you would just give us some flexibility, we could work through this gracefully. We could live within these constraints.

Speaking of these constraints, I want to say that there is a number that has been thrown out of $85 billion over the next 7 months. Again, know that this is Washington's language. We are really only talking about half that in real expected outlays. We have budgeted amounts and then we have outlays. We do things very differently than do most people back home. This is not nearly the amount of reduction people are talking about as far as real money flowing out.

I strongly support the Toomey proposal, the Inhofe proposal. I hope others will join in and at least move to debate this issue. I have a sense that is not going to be the case today. Maybe next week when some things happen, some others will be open to doing this.

I can't imagine why anybody in this body, if they think draconian things are happening in a specific area and some judgment could be used to really alleviate that, I can't imagine why anybody in this body would not want to give administrators of these various agencies the ability to have some degree of transfer authority to make it work better. I don't imagine there is a business in our country, whether it is a one-man shop or a large corporation, that wouldn't want that flexibility. I can't imagine a Democrat or a Republican really thinking it is a bad idea to give the administration the ability to be more graceful in dealing with this.

Today it looks as though we might have a partisan vote. It is a shame.

Again, this is ham-handed. We can make it work better. Hopefully, on March 27, if we continue on this course until that time—obviously, to me, the only thing worse than this ham-handed approach is not enacting the $1.2 trillion in cuts. This needs to happen, in my opinion.

Maybe on March 27 when the appropriators come forth with a continuing resolution, they will have shifted this around to a degree that we end up with the same amount of spending reductions. This is the way regular order should work here, the way the Senate should work, the way the House should work. It is not that far down the road.

As a matter of fact, I am understanding that if the Appropriations Committee wanted to, they could pass out an omnibus—not a CR but an omnibus—that has already gone through the checks. I think the two staffs have been working; I am talking about at the House and the Senate. It is my understanding that they could pass something out in a week. I think maybe there are going to be some discussions about this later in the majority leader's office. Hopefully, he will give the green light to the chairman of the Appropriations Committee to move ahead with something like this, which would be very sensible, in my opinion. I think most people around here would love to see something actually happen under regular order.

These reductions are necessary, in my opinion, to get our fiscal house in order. Much more needs to be done beyond this $1.2 trillion—much, much more. I don't think there is anybody who doesn't believe that deficit reduction greater than $1.2 trillion needs to occur. Right now we are focused on the cuts side. We focused on the income side at the end of the year.

As we move ahead and are able to deal with these issues under regular order, where committees have looked at the impact, this is the best way to go forward.

Again, sequester will kick in tomorrow. I think we all understand that. There is a better approach. There is a bill that would allow the executive branch to have the flexibility it needs to work through this in a way that is least harmful to the American people, and if that doesn't work, another step with a continuing resolution in 3 or 4 weeks—there is another way of hitting this in an intelligent way.

I hope we have the opportunity to work this out in a way that is better for the American people. At the same time, I hope we will not back away at all from at least $1.2 trillion in spending reductions. I wish we would move later this year into real tax reform, which is really where all the money is.

To the American people, the reason we are moving to sequester and the reason we are cutting discretionary spending is we don't have the courage in the Senate to deal with entitlements. When the word ''entitlement'' comes up, everybody runs for the hills. They know where the money is—62 percent of our spending, which in 10 years, combined with interest, will be 90 percent of our spending.

The reason we are here today is this body has not come to terms with the fact that we need to reform entitlements for them to be here for future generations and certainly people who are getting ready to retire.

This situation is a shame, and so we are going through this pain again due to a lack of courage in the Senate to address the real issues of the day. That is a shame, and what you are going to see playing out is solely because of that.

I have a bill which would deal with that. LAMAR ALEXANDER, my colleague from Tennessee, is a cosponsor. It was based on Bowles-Simpson, Domenici-Rivlin—bipartisan concepts.

For some reason, when it comes to dealing with the real issues of America, this body runs for the hills. Hopefully, soon we will be brought back together and we will deal with this in a mature way, deal with the real issues our Nation is dealing with, solve them, put it in the rearview mirror, and all of us will come together and focus on those things that would make our country stronger.

I ask unanimous consent that all quorum calls before the votes at 2:30 p.m. today be equally divided.

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

Mr. CORKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we have heard a lot of discussions recently about the author Bob Woodward and his comments about spending and the sequester. It is important for us to understand this. This is not an easy matter. We have a lot of confusion, I think, as to what has been happening in the Senate. So from my perspective, as ranking member on the Budget Committee, I wish for all of us to understand the issue that is at stake.

Here is what Bob Woodward said in his Washington Post Op-Ed earlier this week:

> So when the President asked that a substitute for the sequester include not just spending cuts but also new revenue, he's moving the goalpost.

And when the President talks of spending cuts, he's referring to some other spending cuts somewhere in the government so that they do not fall so hard on defense, for example.

But Bob Woodward goes on to say—referring to the President's request for a substitute—that was not the deal he made.

So we need to all remember what happened was that in August of 2011, after the American people were aroused and spoke strongly in the 2010 election, the debt ceiling was reached. We couldn't borrow any more money. Since we are borrowing almost 40 cents out of every dollar, it amounted to a 40-percent cut in spending, had we not raised the debt ceiling. So it was important to raise the debt ceiling, but it was also important to do something about the surging debt. So a bipartisan agreement was reached, and the agreement essentially said we will reduce spending $2.1 trillion, and we will raise the debt ceiling $2.1 trillion.

The good news, for those who wanted to keep spending, was that we spread

the spending cuts over 10 years. But we have already reached the debt ceiling again. We have already spent $2 trillion more than we took in. We have to deal with that again very soon.

I would like to say this to my colleagues: That agreement called for no tax increases; it called for a modest reduction in the growth of spending. Instead of going up $10 trillion, it would go up $8 trillion. Instead of adding $9 trillion to the debt of the United States, we would add $7 trillion to the debt of America by simply constraining the rate of growth in spending. It was not cutting spending. Except the way the sequester part of that agreement was reached, the cuts fell disproportionately on defense and maybe a few other programs. And over 10 years, defense would take a real cut. This isn't war costs. This is a fundamental problem.

What I would say to my colleagues is this: Please don't come in and say, there are loopholes we can close or we can tax the rich more here and we can do this, that, and the other in order to bring in more revenue and to spend more. You see? But we agreed to a new baseline in spending. It passed the House and the Senate and the President signed it into law. He agreed to it. And he was the one who insisted on the sequester, even though he has denied it since. He got that, he and his budget director, Mr. Lew, whom he just promoted to Secretary of the Treasury. So he agreed to that. And closing loopholes is simply a tax increase, of course.

So if we agree at some point to close loopholes, it ought to be part of tax reform and it ought to be part of reducing the deficit, not funding new spending. Because, you see, we have agreed to this new baseline. When the President says don't do the sequester, the sequester amounts to $1.1 trillion out of the $2.1 trillion in reduced spending. So he is talking about increasing spending over the amount he just agreed to 19 months ago. He is talking about increasing spending at a time this Nation has never faced a more serious systemic financial debt crisis. And his excuse is that we will close loopholes.

But you see, reducing the amount of new debt we incur over 10 years from $9 trillion in to $7 trillion is not enough. The budget commission, experts, everybody knows—ask anyone in this Senate, liberals and conservatives, and I don't think a single one would say that increasing the debt by $7 trillion over 10 years is good. Our current debt is $16 trillion. This is not a healthy trend.

We know we can't give away the cuts we just agreed to. What would we tell the American people? We already told them: We know you are unhappy that we are raising the debt ceiling, we know you are mad at us for putting the country in this situation, but we are going to cut spending, trust us. Trust us. And then here we waltz in, less than 2 years later, with the President saying that we cannot cut as much as we promised, as agreed to and signed into law. He says that is too much. He tells us that he is not going to help us find a smarter, more effective way to do the cuts.

I don't think that is good policy. What I urge my colleagues to do, and I believe it is the right thing, is to make the decision—and we have no choice but to make it—that we are not going to give up the little bit of spending cuts we achieved in 2011, which are not spending cuts but a small reduction in growth in spending. We should advise the President that we stand ready—and I am confident I can speak for the Republicans in this Chamber that we stand ready—to try and spread those cuts out in a way that is smarter and is less painful, because everybody should tighten their belt to help get this country on a sound path. We are willing to do that, but we should state we are not willing to allow the President to breach his agreement—as Mr. Woodward said, the deal he made—that he signed, that is in law and that has created a new spending baseline. We should not give up on that 19 months after we agreed to it. What a mockery that makes of the integrity of our government and the commitment to fiscal responsibility.

Let's work together on this. We had a big tax increase in January and a spending agreement in August of 2011. So now let's get on with it and operate in the world we are in. I don't believe we will avoid the sequester by raising taxes and increasing spending over the level to which we agreed. It won't happen. So we might as well get serious and figure out a way to help make this work in a more rational way.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today, as we debate proposals for avoiding the so-called sequester, we find ourselves in a uniquely awkward position. Not only is there general disagreement about what brought us here, who is responsible, who is to blame, et cetera, but we also disagree about where ''here'' is to begin with.

President Obama has been touring the country giving speeches describing just how bad the sequester will be and why Republicans are to blame for it. This is, of course, par for the course for this President, whose motto seems to be: Why solve a problem when you can campaign on it? You would think, after having won the election, the President would be the first to acknowledge the election is over. But nearly 4 months after election day, the President's campaign road show continues.

The problem with the President's sequestration campaign is that, once again, his claims are at odds with the facts. Everyone in Washington knows that, despite the President's efforts to put the blame on Republicans, the sequester was his idea to begin with. The record is clear and it is not in dispute. The idea for the sequester was pitched by the President's then-OMB Director Jack Lew as a negotiating tactic to get Republicans to vote in favor of raising the debt ceiling. Not only did the idea originate in the White House, the President threatened to veto House-passed legislation designed to replace the sequester.

Moreover, in these final weeks leading up to the March 1 deadline, the President spent more time on his national sequestration campaign than he has in sitting down with Republicans to reach an agreement on a replacement package. So if the sequester goes into effect—and at this point it appears it will—the American people should not blame Republicans in Congress, who have been working in earnest to replace it. No, the blame should fall squarely on President Obama, who proposed the idea in the first place and has refused to work on a passable solution.

So that is how we got here. The bigger, more complicated problem is determining where ''here'' actually is. The President and his allies have spent a lot of time misleading the American people on that as well.

If you describe the sequester using the worst possible numbers, it is an $85 billion reduction from $3.5 trillion of yearly Federal outlays—yes, that is $85 billion out of $3.500 trillion. When all is said and done, it is a reduction of less than 2.5 percent from overall Federal spending. And, as the Congressional Budget Office has made clear, not all of the $85 billion in reduction will even take the form of reduced spending this year. Even if it did, keep in mind that $85 billion would represent less than 9 days of Federal spending, based on the rate of spending last year. Once again, that is if you describe it in the worst possible terms.

For a moment, let's go with those numbers.

The President would have the American people believe that a 2.4-percent reduction in Federal spending out of $3.6 trillion will cripple our government and irreparably damage our economy, even an economy that the President must have felt was strong enough to absorb a $600 billion tax hike back on New Year's Day. The ramifications of the 2.4-percent spending reduction are so great, according to the President and his allies here in Congress, that the only alternative is to raise taxes yet again.

I will be the first to admit there are better, more responsible ways to reduce the deficit than the President's indiscriminate sequester. But these scare tactics don't even pass the laugh test. Does the President really expect the American people to believe our government is so fragile it cannot absorb a 2.4-percent spending cut—less than 9 days' worth of Federal spending—without inflicting massive damage on the American people and our economy? Apparently so.

Once again, I am describing the sequester in the worst possible terms just to demonstrate the outlandish nature of the President's arguments. However, when you look at whether the sequester even represents a reduction in spending, you find the claims are even more absurd. In fact, when you look at whether we are cutting spending at all relative to past periods, you can easily see we are not, even with the sequester.

The so-called spending cuts in the sequester are measured against 2010 spending levels. We should all remember that in fiscal year 2010, spending levels were highly elevated as a result of the President's stimulus and other ''temporary'' spending measures passed in response to the financial crisis and recession. So, in other words, the sequester reduces spending only if you are measuring against an extremely high baseline that was, at that time, supposed to be temporary.

Whether something is an increase or decrease depends on what you are measuring against. If you measure relative to a big number—such as the Democrat-fueled spending of 2010—then proposed spending looks like a cut. But if you look at spending levels relative to more reasonable spending baselines, you will find that future spending will actually be up even with the sequester in place. For example, you will see what post-sequestration spending looks like relative to a more reasonable baseline.

According to the Congressional Budget Office, baseline estimates for post-sequester discretionary budget authority total $978 billion for fiscal year 2013. The average during the Bush years, in inflation-adjusted fiscal year 2013 dollars, was $957 billion. Neither of these figures includes spending on wars or emergencies, so this is an apples-to-apples comparison.

In adjusted current dollar terms, post-sequester spending this year will be more than $20 billion higher than the average during the Bush years. Someone may have to refresh my memory, but I don't believe the government ceased to function during the Bush years. I certainly don't remember hearing anyone express concern about the elimination of basic governmental services. In fact, I don't think anyone remembers the Bush years as being a time of spending restraint here in Washington. Indeed, we have all heard President Obama claim it was the extravagant spending of the Bush administration that, in part, caused our current budget woes. Yet now the President is telling the American people that a return to those spending levels will devastate our country, leaving children hungry and our border unprotected.

Not surprisingly, the President and the Democratic leadership's solution to this problem is more tax hikes, which makes these claims about the impact of sequestration all the more transparent. Indeed, it appears that the President's current campaign on the sequester is less about reaching an agreement to replace the sequester than it is about satisfying his drive to once again raise Americans' taxes while also serving his desire to vilify Republicans, no matter what the costs to the American people.

I don't want to minimize the negative impact the sequester may have in some areas. I think there are very few of us who would not like to see the President's indiscriminate sequester replaced with more responsible spending reduction alternatives. There are alternatives to the approach we are debating today. But whatever we do, we should do it through regular order.

Today we are yet again debating a bill that has bypassed the relevant committees of jurisdiction. Regular order has become the exception rather than the rule around here, which is extremely frustrating I think to both sides. There are consequences to skipping the established committee process. If legislation does not go through the relevant committee, it is not studied and vetted. It simply shows up out of the majority leader's office before anyone has a chance to even look it over. Bypassing regular order is simply shortsighted. Yes, short-circuiting the committee process prevents Members from having to take tough votes in committee. But taking tough votes to enact legislation is part of being in the Senate—or at least it used to be. These days, no one in the majority has to take a difficult vote. The majority leader has made sure of that.

I have a chart that has the title ''Honest Leadership and Open Government.'' You can see the large letters at the top and the small letters right against the podium Senator REID is at. My friends on the other side of the aisle won the Senate majority in the 2006 elections by campaigning on this theme. Unfortunately, in the 6 years since they have been running things here in the Senate, things have gone exactly the other way. Backroom deals are the rule, regular order is the exception, open government is the casualty, and committees are ignored with aplomb.

I have and will continue to urge my colleagues to support the restoration of regular order here in the Senate because, in the end, it yields better legislative results, and it is a much more fair way to legislate and involves everybody, not just a few people in one office.

Despite the fact that the President and congressional Democrats just got over $600 billion in tax increases out of the fiscal cliff deal, the Democratic leadership's bill that we are debating today contains even more tax increases.

The Congressional Budget Office wrote earlier this month that over the next 10 years, revenues as a percent of GDP will average 18.9 percent. Over the last 40 years, according to CBO, revenues have averaged 17.9 percent of GDP. So over the next 10 years, Federal revenues are set to exceed the historical average.

At the same time, government spending, which is projected by CBO to reach about 23 percent of GDP in 2023—an historical average—will be on an upward trajectory and will remain far in excess of the 40-year average of 21 percent. So the problem is not that the American people are undertaxed, it is that Washington is overspending.

Given this basic point, I have filed a motion to commit the Democratic leadership's bill to the Finance Committee to strike all the revenue increases and replace them with spending cuts. And to help further the process, I have prepared a menu of spending cut options to select from. These proposals come from Dr. TOM COBURN's book, ''Back in Black: A Deficit Reduction Plan.''

During the 2008 campaign, the President promised to find spending cuts by going through the budget, line by line. Dr. COBURN has done what the President promised but failed to do. Today, I am drawing from a small body of Dr. COBURN's hard work.

For instance, instead of the latest incarnation of the Buffett tax, we could, according to ''Back in Black,'' save $71 billion over 10 years by instituting a 5-year freeze on locality pay adjustments for Federal workers or we could reduce travel budgets of Federal agencies. That would save just over $43 billion over 10 years.

Another revenue increase in the majority leader's bill that could be replaced with a spending cut is the elimination of what some Democrats have described as a tax break for shipping jobs overseas. Indeed, we have seen this proposal pop up several times over the last few years.

However, as some may recall, the Chief of Staff of the Joint Committee on Taxation wrote a letter to Senator STABENOW and Representative PASCRELL, the authors of a bill to close this so-called loophole, that stated,

> Under present law, there are no specific tax credits or disallowances of deductions solely for locating jobs in the United States or overseas.

I previously challenged my colleagues to come and point out to me if they thought that was incorrect. To date, no one has tried to meet that challenge. Yet efforts continue to raise a tax under the guise of closing a loophole where no loophole exists.

One spending cut from Dr. COBURN's book that could be used as a substitute for closing the Democrats' phantom loophole is to reduce the Federal limousine fleet back to the level it was in 2008. According to Dr. COBURN's book, the government owned 238 limousines in 2008. By 2010, that number had grown to 412. What changed in government between 2008 and 2010 that required an increase of over 73 percent in the number of limousines needed to shuttle bureaucrats? If anyone knows, please let the American people know. Going back to the 2008 level of Federal limousines

would save the government $115.5 million over 10 years.

There are numerous other places where we can cut spending immediately. Instead of pursuing the Democrats' tax hike strategy or the President's indiscriminate sequester, we should instead sensibly restrain spending through proposals such as these.

I anticipate that some of my friends on the other side will argue we should pursue these spending cuts in addition to passing more tax hikes. My response is that we should be saving all of these revenue raisers for future tax reform efforts.

There is a growing bipartisan consensus here in Congress in favor of comprehensive tax reform. The leaders in both the tax-writing committees are committed to this effort, and I believe we have a real opportunity to accomplish something on tax reform this year. However, if we start closing loopholes and eliminating preferences now in order to raise revenue to avoid the sequester, they won't be there to help us lower marginal tax rates later on when we are working on tax reform, which will make an already difficult process that much harder.

Ultimately, if we follow the path my Democratic colleagues want us to take, we will be raising taxes on the American people while at the same time hampering future tax reform efforts. This is simply not the way to go, particularly when there are perfectly reasonable spending cuts available to replace the President's sequester.

As I said, whatever we do, we ought to do it through regular order. That is why I have filed this motion to commit and why I hope my colleagues will support it.

While I am waiting for someone to represent the majority, because I am going to have a unanimous consent request that I understand will be objected to and I want to protect the majority's right to do that, as much as I don't agree with it. I know there is an agreement in place for consideration of the sequestration bill and I don't want to stand in the way. But at some point we need to have a real bipartisan conversation about a return to regular order. For too long we have been avoiding the committee process here in the Senate and I think the results speak for themselves.

I want to work with my colleagues on both sides of the aisle to find a way to restore the deliberative traditions of the Senate by allowing the committees to do its work. If we can return to regular order, the words ''honest leadership and open government'' will be more than a campaign slogan. The American people should expect nothing else.

I understand my unanimous consent will be objected to, and so I ask unanimous consent that I be immediately recognized to make this unanimous consent as soon as the distinguished chairman of the Finance Committee arrives.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. Madam President, I thank my friend from Utah for his comments. I think it is important, since we have two votes coming up starting in less than 30 minutes, that we talk a little bit about the background, where we are today and what we are going to be faced with in these votes and what the options are.

Back about 5 weeks ago, when it looked as though sequestration was going to kick in, there was concern. I understand there is a lot of concern on the domestic side and on the defense side, but my concern is mainly on the defense side. I am the ranking member of the Senate Armed Services Committee. I am concerned about what has been happening under this administration in the last 4 years, the disarming of America and the devastation that has taken place already. A lot of people do not realize, under this administration we are now projecting cuts already to hit $487 billion in defense.

If sequestration should come in, it would raise that to $1 trillion, and $1 trillion over that period of time is, in fact, devastating. The Secretary of Defense, Leon Panetta, came out immediately and said: This cannot happen; we cannot adequately defend America if we allow this to take place. He was talking about sequestration.

Sequestration, I think people kind of lose sight of what it is. It is the equal cutting all the way across all of these accounts in order to come up with a savings, which I think is kind of interesting. Here we are talking about all this anguish we are going through right now just for $1.2 trillion, when you stop and realize in the President's own budget, over 4 years he has a $5.3 trillion increase. So we are talking about 10 years to come up with $1.2 trillion when he was accountable for $5.3 trillion in 4 years. That is not even believable. When I say it back in my State of Oklahoma they shake their heads and think there must be some miscommunication, it cannot be right.

The problem has been, in this administration, over the past 4 years all the cuts have come from the military. They have not come from anywhere else. It is an oversimplification, but you can make the statement that they are cutting—I will yield to my friend from Utah because I understand he has a unanimous consent request. I will be happy to do that, but I ask unanimous consent the floor be returned to me.

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

Mr. HATCH. I thank my colleague for his courtesy. I appreciate it.

Madam President, I ask unanimous consent that following the two cloture votes today, it be in order for me to make a motion to commit S. 388 to the Finance Committee, the text of which is at the desk, and the Senate proceed immediately to vote on the motion without intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Montana.

Mr. BAUCUS. Madam President, this Senator was probably not paying enough attention. This is the Senator's motion to recommit?

Mr. HATCH. It is the motion to recommit.

Mr. BAUCUS. Madam President, I respect my Ranking Member's attempt to alter the leader's bill to strike the revenue increases in this legislation.

However, I think time is at a premium and we need to consider the Reid legislation today.

Recommitting the bill to the Finance Committee will delay a solution to the sequestration cuts for weeks, if not months, and I believe most Members believe we should address the issue here and now. There is no time to waste.

We will have a full opportunity to discuss additional deficit reduction ideas in the coming weeks when we consider the budget resolution, the continuing resolution and the extension of the debt limit.

I agree we need to cut our debt and get our fiscal house in order. We know there are places to trim the fat in Federal programs.

To give families and businesses certainty, we must agree on a balanced, comprehensive plan to cut the debt that includes both revenue and spending cuts. The math will not work any other way.

A long-term balanced plan will bridge the budget battles and make real progress solving our deficit problem.

A balanced plan will also encourage businesses to invest, enable investors to return to the markets with confidence, and, most importantly, put Americans back to work in a growing economy.

And I look forward to working with Senator HATCH, taking on these fiscal challenges and crafting policies that create more jobs and spark economic growth.

The only way we will be able to get past these budget battles is by working together—Republicans and Democrats, House and Senate. We need to work together.

However, at this time I object to the motion to recommit.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Look, this place is not being run on regular order. The committees are being ignored. The committees are established to be able to intentionally look at these matters

and hear both sides and hear the top experts in the country. I feel very badly that this simple motion has to be objected to. I feel badly because I know neither of the amendments that will be filed, that will be heard or voted on, are going to pass. One reason they will not is because we have not followed the regular order.

Mr. INHOFE. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. INHOFE. I asked unanimous consent I be recognized after the two of you went through this. Can I inquire as to about how much longer it will be? I am the author of the bill that is coming up in just a few minutes.

Mr. BAUCUS. Will the Chair indicate the time remaining?

The PRESIDING OFFICER. There is 22 minutes.

Mr. BAUCUS. Madam President, I ask which side has the 22 minutes?

The PRESIDING OFFICER. The majority.

Mr. BAUCUS. I will be glad to yield time to my friend from Oklahoma.

Mr. INHOFE. I appreciate that. It is my understanding, responding to my friend, that the other author of this bill, Senator TOOMEY, wants to be heard for 2 minutes prior to the vote. I would like to be heard for a few minutes of time.

Mr. BAUCUS. At this time?

Mr. INHOFE. Right after his time, yes.

Mr. BAUCUS. I don't fully understand. I am happy to yield 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. I appreciate that.

Prior to the time we propounded the unanimous consent request, I was talking about my frustration about what has been happening fiscally in this Senate during the last 4 years and the mere fact that under this administration we have increased deficits by $5.3 trillion. Now we are trying to come up with something far less than that in a period of 10 years. To me, people look at that and say: What is this all about? But that is not the reason I bring this up.

I bring this up because the amount of money that has come out of the military is actually a reduction. If you look at the increase in the spending in the last 4 years, it has all come out of defense accounts, so it is defense that has taken the hits on this. Government has expanded approximately 30 percent across the board. At the same time our military has been reduced in terms of our budget for defense accounts.

Anyway, when this came up a few weeks ago, I thought it was not going to happen. I thought we were going to have something come up and change this whole idea of having to make these reductions. So what I did at that time was draft a bill. The bill merely said if we are stuck with sequestration, let's allow the chiefs—speaking of the military—to reevaluate everything that is included so they can look and see where we can take cuts and it will not be as devastating.

In fact, I called each one of the five service chiefs and I said: Would it be less devastating if you were able to take the same amount of money out but take it out selectively, out of accounts where it would be not as significant?

They said: Yes, it would.

I said: Would you be able to prepare for this in the next 4 years?

The answer is yes. That is where we are today. They said they are able to do that.

The frustrating fact is this President—I am getting criticized on both sides. People are saying you are giving too much to the President. We are not because we have safeguards in here, which I will explain in a minute. But at the same time, the President comes out and says he will issue a veto threat against this bill. What does this do? It gives flexibility for the President.

I am going to read something. This is a statement that President Obama said on February 19, 2013. He said:

> Now, if Congress allows this meat-cleaver approach to take place, it will jeopardize our military readiness; it will eviscerate job-creating investments in education and energy and medical research. It won't consider whether we are cutting some bloated program that has outlived its usefulness, or a vital service that Americans depend on every single day. It doesn't make those distinctions.

He goes on to say that he wants that flexibility. This is the President asking for it on February 19, 2013. Here we come along with a bill that gives him that flexibility with certain restrictions so that he can't pick and choose areas that we find are against the policy that has been set. I will give an example.

We had the National Defense Authorization Act. It was one that took months and months to put together. It took a long time to put together, and we made evaluations, with a limited budget, on what we could do. All this does is say if we have to make some changes from the across-the-board cut, let's make them consistent with the National Defense Authorization Act.

In other words, all those weeks and months of work by the Senate Armed Services Committee and, I might say, the House Armed Services Committee would not be in vain. Those cuts would be consistent with the intent, to make sure the President would do this.

A lot of people say we can't trust the President; he is going to put more cuts in places where it would not be in keeping with what the Senate Armed Services Committee wants. But we have a provision called a congressional disapproval mechanism. That means if the President doesn't do what the intent of this legislation is, then we can go ahead and disapprove it.

We have those two safeguards. One is they have to follow the criteria that is consistent with the Senate Armed Services Committee, the national defense authorization bill, which is the House and the Senate. To be sure we will be able to do that it has the disapproval mechanism.

People do not realize the costs of this. If you take the same amount of money that we are talking about in sequestration and allow the service chiefs to massage this and make changes, give them flexibility to go after programs that are not as significant as some that might otherwise be cut—the bill allows the President to listen to the advice of his military leadership and offset some of the devastating impacts of sequestration. If the sequester is allowed to take place and the congressional resolution is not fixed, the Department of Defense stands to waste billions of dollars through the cancellation of contracts.

People don't think about this. We make commitments backed by the United Sates of America that we are going to do certain things. A lot of these are contracts such that if they are terminated it could cost quite a bit of money.

The termination of multiyear contracts is something that we would be concerned about. Providing the Department of Defense flexibility to determine how these cuts will be implemented will let us take this into consideration.

At this point, I ask the Senator from Pennsylvania how much time he would like for his concluding remarks.

Mr. TOOMEY. Madam President, I thank the Senator from Oklahoma. I will only ask for a minute or two to make my closing comments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. INHOFE. Madam President, I appreciate that very much. He has been a great partner. I have given a background of what went on 5 weeks ago and our discussions with the service chiefs. I was hoping this day would not come and that we would not be faced with the continued devastation of our military, but the time is here. Tomorrow is the 1st of the month.

The Senator from Pennsylvania and I have come up with a bill that will be voted on, and it will minimize the damage and still preserve the cuts that are mandated and are out there.

One of the problems we have not talked about is the continuing resolution. When I was talking to the different service chiefs, one was General Odierno, who is in the Army. He said that just as devastating as how the CR is set up, this corrects that problem at the same time. We have something that is not going to cost any more money. Believe me, a lot of my closest friends—for instance, in the House of Representatives—think it is a good thing that we are making these mandatory cuts. They cannot argue with that, but we can at least minimize the damage in these cuts.

I will read something that shocked me when I saw the President had issued—I am not sure if it is a veto message. I am told it was a veto message.

Here we have a bill that gives him flexibility with the restrictions we

talked about. Yet he says he is now going to veto it. It is worth reading this again, and we need to make sure we get this in the RECORD.

This is his quote on February 19, 2013. This is the President speaking.

> Now, if Congress allows this meat-cleaver approach to take place, it will jeopardize our military readiness; it will eviscerate job-creating investments in education and energy and medical research. It won't consider whether we're cutting some bloated program that has outlived its usefulness, or a vital service that Americans depend on every single day. It doesn't make those distinctions.

We are now giving him a vehicle that makes those distinctions so we have that flexibility. It has the safeguards to take care of the problems that have been brought up. I think it is not a good solution, but right now it is the only solution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I would like to thank and compliment the Senator from Oklahoma, who has been a terrific leader and ally. I appreciate his hard work and the work product we have come up with.

At the end of the day, it is not complicated. It is pretty simple. Do we go ahead with indiscriminate across-the-board cuts that give us no ability whatsoever to establish priorities, to recognize that some spending is more important than others, or do we adopt this flexibility approach and give to the President of the United States the flexibility for him to turn to his service chiefs and say to them: Folks, is there a better way to do this? I am sure they know best what their needs are. I am sure they can come up with a better set of spending cuts than these across-the-board cuts that are in law.

Similarly, on the nondefense side, any competent middle manager of any business in America knows that when they have to tighten their belt, they go through and prioritize. So when the President and the Secretary of Transportation go around the country saying: Oh, we are going to have to lay off air traffic controllers; we are going to have to shut down towers; we are going to have delays, none of it is necessary. It is not necessary if we pass this legislation because it would give the President the flexibility to cut the items that would not be disruptive to our economy, and it would not be disruptive in any meaningful way.

I gave the example earlier of the FAA. The FAA would have more money postsequester than what the President even asked for. Obviously, what the President needs is the discretion to be able to make some cuts where they can be best be borne.

After having a total budget that has grown 100 percent over the last 12 years, we can find the 2.3 percent that is needed now. These are flexibility measures we would give the President for the remainder of this fiscal year. Thereafter, the savings we will achieve will happen through the spending caps and, therefore, will be decided by the Appropriations Committee.

I urge my colleagues to support the Republican alternative.

I yield the floor.

Mr. LEAHY. Madam President, earlier this week, I shared with the Senate the consequences of sequestration for the budget of the Department of State and foreign operations and its impact on the security of the United States. Funding for the entire Department of State and foreign operations budget amounts to only about 1 percent of the Federal budget, not the 15 or 20 percent some mistakenly believe.

That 1 percent includes funding to operate our embassies and consulates in over 290 countries, to carry out diplomacy in dangerous environments like Syria, Afghanistan, and Pakistan, respond to humanitarian crises, and build alliances with security and trading partners. Sequestration would harm these efforts by cutting assistance for diplomatic security at a time when everyone agrees we need to do more to protect our Foreign Service officers overseas.

On the development side, sequestration will mean cuts to global health programs that prevent the spread of AIDS and pay for vaccines for children, protect maternal health, and combat malaria and tuberculosis. It will also mean reductions for funding for disaster and refugee aid at a time when an increasing number of victims of drought, famine, and extremist violence around the world need assistance.

As has been pointed out repeatedly, sequestration was included in the Budget Control Act as an incentive to negotiate. The idea was that it would have such catastrophic consequences that rational minds would replace it with a thoughtful and balanced approach to deficit reduction.

That has not happened. To the contrary, just 1 day before the sequester is to take effect, our friends on the other side of the aisle, who favor cutting government programs and particularly those that help the neediest, seem to have decided that they would rather see sequestration take effect rather than close tax loopholes that only benefit the wealthy and pad growing corporate profits.

However, as President Obama and others have been warning for weeks, allowing these Draconian cuts to go into effect tomorrow will have a tremendously negative impact on jobs all across the country and on essential services provided by our government.

The American people elected us to come to Washington to work together and make tough decisions. It is well past time for a certain amount of reasonableness to come back to Congress. I have always believed that a balanced approach of pairing decreased spending with increased revenues is a far better way to deal with our budget deficits than sequestration. That is what we did with President Clinton in the 1990s, and we saw record budget surpluses.

We simply cannot cut our way out of this deficit. We created this situation partly by putting two wars on the Nation's credit card. We already have reduced the debt by $2.5 trillion, with the vast majority of those savings coming from spending cuts. Just as most private businesses adjust their prices prudently over time, we cannot finish the job of deficit reduction through spending cuts alone.

We must understand that even in these difficult budgetary times we cannot sacrifice the future of critical Federal programs in education, in health care, and in national security that affect hard-working families across the country, every single day. The American people want and expect us to take a balanced approach. They know it isn't wise to protect endless corporate loopholes and tax breaks for the wealthiest Americans instead of investing in our schools, our factories, our roads, and our workers. Yes, they want us to get our books in order—but in a balanced way where everyone pulls equally.

Today the Senate has the opportunity to avoid this devastating sequester by voting for the American Family Economic Protection Act, which does just that. This balanced legislation will delay sequestration by replacing it with a combination of new revenues and targeted spending cuts. These spending cuts would reduce the deficit in a responsible way, eliminating unnecessary direct payments and farm subsidies and implementing reasonable and responsible defense spending reductions beginning when the war in Afghanistan is expected to end. This legislation would also generate revenue, equal to the amount of spending cuts included, by eliminating oil industry tax loopholes, denying deductions to companies that ship jobs overseas, and ensuring that millionaires do not pay a smaller share of their incomes in taxes than the typical middle-class family.

The American Family Economic Protection Act provides us with a clear, balanced proposal that would avoid the devastation of sequestration. I look forward to the opportunity to support this responsible approach to deficit reduction and hope all Senators will join me in doing the same.

If we choose to not act responsibly and do not pass this legislation today, I am afraid sequestration will go forward and would mean devastating cuts around the country and for Vermont. Without action, sequestration would mean that Vermont schools would lose more than $2.5 million for primary and secondary education and the education of children with disabilities, while putting the jobs of teachers and aides at risk. Vermont would stand to lose more than $1 million in environmental funding to ensure clean water and air quality, as well as prevent pollution from pesticides and hazardous waste.

Vermont would lose roughly $2.6 million in funding for medical research

and innovation funding from NIH and $400,000 in funding from the National Science Foundation, costing the State 53 jobs. Vermont would lose funding for the grants that support law enforcement, prosecution and courts, crime prevention and education, corrections, drug treatment and enforcement, and crime victim and witness initiatives. Sequestration would mean Vermont would lose $101,000 in funding for job search assistance, referral, and placement, meaning 3,700 fewer people will get the help and skills they need to find employment, just when they need it most.

In Vermont, sequestration would impact public health. Fewer children will receive vaccines for diseases such as measles, mumps, rubella, tetanus, whooping cough, influenza, and hepatitis B due to reduced funding for vaccinations. Across-the-board cuts mean Vermont will lose about $270,000 in grants to help prevent and treat substance abuse, resulting in around 500 fewer admissions to substance abuse programs. And the Vermont Department of Health will lose about $55,000 resulting in around 1,400 fewer HIV tests. Sequestration would mean the state would lose funding used to provide meals for seniors and services to victims of domestic violence.

If we do not pass the American Family Economic Protection Act today, our States will lose funding for community development block grants and housing vouchers helping to put a roof over families' heads, we will lose funding for cancer screenings, childcare, and Head Start programs helping to get our Nation's children ready for school.

We cannot afford to allow this self-inflicted devastation move to forward. The bottom line is that getting our fiscal house in order must go hand in hand with policies that promote economic growth, create jobs, and strengthen the middle class—all things that President Obama and Democrats in both Houses of Congress are eager to do if only we had more cooperation from our friends across the aisle. We simply cannot cut our way out of this. We cannot allow an unbalanced approach that would once again require that deficit reduction be achieved solely through spending cuts, and would disproportionately impact low-income Americans and middle-class families. And we should not allow politics and posturing to dictate our actions here today. The American people expect more from us. I hope the Senate will end the filibuster of this legislation and allow an up-or-down vote so that we can show our constituents that we are capable of putting the interests of the Nation first.

Mr. LAUTENBERG. Mr. President, the sequestration spending cuts that are scheduled to begin tomorrow would cause pain and hardship across our country. These cuts will be devastating to workers, small businesses, middle class families, and children.

The list of essential programs and services that will be affected by sequestration is long. So today, I would like to focus on just a few of the more than 50 agencies funded by the Financial Services and General Government Appropriations Subcommittee, which I chair.

My subcommittee helps small businesses get the loans they need. It keeps Wall Street watchdogs on the job. And it funds the agencies that stand up for consumers and stand guard against unfair and deceptive business practices. But the largest single appropriation in my subcommittee goes to our Nation's tax collector—the IRS.

At about $12 billion, the IRS budget is a major expense. But cutting the IRS budget is short-sighted instead of reducing our deficit, shrinking the IRS makes our deficit larger.

That's because short-changing the IRS makes it easier for tax cheats to avoid paying what they owe.

Last year alone, about $400 billion in taxes owed were never paid.

Mr. President, I was a CEO for many years. If there is one thing I learned in my time at ADP, it is that you can't run a company without revenues. And you surely can't run a country without revenues. The sequestration plan Republicans insisted on will slash the IRS and sacrifice revenues. In fact, for every dollar the sequester cuts from the IRS, our deficit will increase by at least $4.

These cuts make no sense. But these IRS budget cuts are just the beginning of our problems. Under sequestration, as many as 1,900 small businesses won't get loans, which would mean 22,000 fewer jobs at a time when millions are looking for work. Wall Street watchdogs like the SEC and CFTC will be forced to go home, leaving investors on Main Street vulnerable to wolves on Wall Street. And cuts to the Judiciary could jeopardize one of the most important aspects of our life: the safety of our families. That is because we will have fewer probation officers to supervise criminal offenders in our communities. Courtrooms will be less safe because of cuts to their security systems. And cuts to mental health and drug treatment programs could lead to more offenders relapsing into lives of crime.

The Federal Bar Association agrees. They wrote in a letter last week to Chairman MIKULSKI and me that, Funding reductions could jeopardize the supervision of thousands of persons under pretrial release and convicted felons released from federal prisons, compromising public safety in communities across the Nation.

Mr. President, I voted against the legislation that put us on the path to sequestration because I was concerned about the effects of reckless cuts on everyday Americans. Just look at what sequestration will do to Head Start a program that helps our most vulnerable children learn how to learn: 70,000 kids could be kicked out of Head Start, including 1,300 in New Jersey.

We had a chance today to vote on a bill to replace these cuts with a balanced approach to deficit reduction, but our Republican colleagues insisted on protecting loopholes for the wealthy and big corporations. I hope that they will reconsider their position in the coming weeks, and work with us to undo these damaging cuts.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask for an opportunity to respond to the Senator from Pennsylvania and then yield to the Senator from Iowa.

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

Mr. DURBIN. Madam President, we just met with Secretary of Transportation Ray LaHood, a former Congressman from Illinois. He said the opposite of what the Senator from Pennsylvania said. The Secretary of Transportation said exactly the opposite of what the Senator just said.

The sequestration is going to force him to reduce the payroll in his department. The largest payroll source is the Federal Aviation Administration and the largest cohort within that administration is the air traffic controllers. Sequestration is going to result in an announcement by the Department of Transportation within the next several days—if we don't avoid it with a vote on this Senate floor—of restrictions on airports across the United States because of sequestered air traffic controllers.

Mr. TOOMEY. Madam President, will the Senator yield?

Mr. DURBIN. Madam President, I will when I am finished.

We know we are going to have to tell them they are only going to be able to work 4 days out of the week. It is mindless to stand on the Senate floor and say we can cut $1 billion out of the Department of Transportation and no one will feel it. Come on. Get real. We have 7 months left in this year. These agencies are trying to come up with the savings, and the only places they can turn are very limited.

Ashton Carter, Deputy Secretary of Defense, just went through with what they are facing. These are not easy because the sequestration was never meant to be easy. It is hard.

Please don't sugarcoat it and say there is a magic wand out there to find $1 billion in the Department of Transportation and that if the President would just look closely, I am sure we can do it. It is not that simple.

The Senator has been involved in the supercommittee, and he has been involved in looking at this budget. He knows that on a bipartisan basis we can find savings. There is money to be saved in every single agency of government, but you don't do it with a heavy-handed sequester approach.

Please don't suggest we are favoring the idea of air traffic control being limited in America. I want it expanded. Unfortunately, the sequestration is going to limit it in the State of Illinois

and in the Commonwealth of Pennsylvania.

I will yield for the Senator's question.

Mr. TOOMEY. Madam President, it is hard for me to follow this. The Senator is decrying the effects of the sequestration, and what Senator INHOFE and I are offering is a way to minimize the damage.

In the President's submitted request for the FAA, did he contemplate laying off air traffic controllers or closing towers? I know the answer. The President's budget—which he submitted to Congress and is a public document—requested a certain funding for the FAA.

Mr. DURBIN. For the next fiscal year?

Mr. TOOMEY. For the current fiscal year, the President's most recent request. The President's request was for less money than the FAA will have if the sequester goes through. I don't think the President was planning to lay off air traffic controllers.

Mr. DURBIN. Reclaiming my time, this is getting perilously close to a debate, which I will tell those in attendance never happens on the floor of the Senate. I will tell the Senator at this time we are dealing with the CR and last year's appropriations for the Department of Transportation; that is what Secretary LaHood is using. He is using the Budget Control Act numbers. So the President's request, notwithstanding—I am not sure how the Senator voted, but there was a bipartisan vote for limiting the amount of money that could be spent in this fiscal year. I voted for it, and that is what the Secretary is operating under.

The reality is this: Even with the Inhofe amendment, $1 billion has to be cut from the Department of Transportation, and the flexibility notwithstanding, the options are so limited at this point in time.

I will tell the Senator pointblank that I believe we need to reduce this deficit. Sequestration is a terrible way, but there is an alternative. There will be an alternative this afternoon, and we will ask the Senator from Pennsylvania and to the Senator from Oklahoma: Are they prepared to say we are going to limit the direct agriculture support payments to farmers who have had the most profitable years in their lives and don't need them? Are they prepared to say that people making $5 million a year in income ought to pay the same tax rate as the secretaries who work for them? If they are, we can avoid the worst parts of the sequestration. If they are not, be prepared, we are in for a pretty rough ride.

Mr. INHOFE. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. This has been very interesting. This is not what I was going to speak on. I was going to speak on the amount of cuts we have already taken in our appropriations bill on Labor, Health, Human Services, Education, NIH, and Centers for Disease Control.

I could not help but hear my friend from Pennsylvania talk about the President's budget as though that is controlling this. Would the Republicans want to adopt everything in the President's budget? I don't think so. They might want to select this or that or this or that, but are we now hearing from my friends on the other side that we should just carte blanche rubberstamp the President's budget? I sure hope not.

I remind my friends that the Constitution of the United States clearly says this body has two functions: taxing and spending—not the President and not the executive branch. The executive branch can propose whatever budget they want, it is up to us to decide both how to collect the taxpayers' money and how to spend it. It does not matter to me exactly what the President proposes. What I want to know is how do we—as Senators and as Congressmen—feel about where we should be investing our money and on what we ought to be spending the taxpayers' money.

The idea that somehow the President's budget says this or that and that people can pick and choose whatever they want with it, I submit again, I will bet my friends on the other side will not say: We will just adopt the President's budget as it is and we will go with that. I don't think they are ready to do that. I would not even do that for a President of my own party.

I wish to talk a second, again, about sort of the intransigence on the part of my friends on the Republican side—not only in this body but in the other body—of not countenancing any other funding or raising of revenues. I keep hearing the Speaker say: We gave revenues last month, that we had $700 billion of revenues last month; now it is time to talk about spending cuts.

What the Speaker has done is he has drawn an arbitrary starting line of January 2013. What about last year and the year before when we adopted over $1.4 trillion in spending cuts that have already been adopted? What about the starting line there? That is when we started to address the $4 trillion we needed by 2020 to stabilize our debt.

We have come up with about $1.4 trillion in spending cuts and about $700 billion in revenue. It is not the idea that we have already given up and that we have collected enough revenue. That is not it at all. Going forward we need a balance between revenues and spending cuts.

I want to read some of the things we have done in our own committee last year. We had $1.3 billion in cuts. We eliminated the education technology state grants, which a lot of people kind of liked. The Even Start Program was eliminated. The tech-prep education state grants were eliminated. The mentoring children of prisoners was eliminated; the foreign language assistance was eliminated; the civic education was eliminated; The Alcohol Abuse Reduction Program was eliminated. The career pathways innovation fund was eliminated.

Many of these programs were started by my friends on the Republican side at some time in the past, some were started by Democrats, but most of them were started jointly with Republican and Democrats. What I am pointing out is that we have already cut a lot of things out of Health and Human Services, education, NIH, and the Centers for Disease Control. I can tell that you Dr. Francis Collins, the head of NIH, warned that the sequester will slash another $1.6 billion from NIH's budget at the very time when we are on the cusp of having some good breakthroughs in medical research. A lot of medical researchers have been lined up and doing some great programs out there. Now all of a sudden they are going to have the rug pulled out from underneath them, but that is what is going to happen.

I might mention the kids with disabilities and what is going to happen with the funding for the IDEA, the Individuals with Disabilities Education Act. I am told about 7,200 teachers, aides, and other staff who help our communities and our schools cope with kids with disabilities who come into schools—because under IDEA we are providing that kind of support—are going to be cut. But it is going to be cut.

So this idea that somehow we can keep cutting and cutting and cutting and we are going to get to some magic land where we can continue to function as a society just isn't so. We need revenues. That is what is in the bill the majority leader has proposed, revenues that will help us reach that point where we can have both spending cuts and revenues and stabilize our debt at a reasonable percentage of our GDP.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I ask unanimous consent to waive the mandatory quorum call in relation to the cloture vote on the motion to proceed to S. 16.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TO PROVIDE FOR A SEQUESTER REPLACEMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 16, which the clerk will state.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 19, a bill to provide for a sequester replacement.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 19, S. 16, an Inhofe/Toomey bill to cancel budgetary resources for fiscal year 2013.

Mitch McConnell, John Cornyn, Patrick J. Toomey, James M. Inhofe, Johnny Isakson, Richard Burr, John Thune, Tom Coburn, Jeff Sessions, Roger F. Wicker, Mike Johanns, Mike Crapo, Pat Roberts, Ron Johnson, James E. Risch, Jerry Moran, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed on S. 16, a bill to provide for a sequester replacement, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—38

Alexander	Enzi	Murkowski
Barrasso	Fischer	Portman
Baucus	Flake	Risch
Blunt	Grassley	Roberts
Boozman	Hatch	Scott
Burr	Hoeven	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Thune
Coburn	Johanns	Toomey
Cochran	Johnson (WI)	Vitter
Corker	Kirk	Warner
Cornyn	McConnell	Wicker
Crapo	Moran	

NAYS—62

Ayotte	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Paul
Blumenthal	Heller	Pryor
Boxer	Hirono	Reed
Brown	Johnson (SD)	Reid
Cantwell	Kaine	Rockefeller
Cardin	King	Rubio
Carper	Klobuchar	Sanders
Casey	Landrieu	Schatz
Collins	Lautenberg	Schumer
Coons	Leahy	Shaheen
Cowan	Lee	Stabenow
Cruz	Levin	Tester
Donnelly	Manchin	Udall (CO)
Durbin	McCain	Udall (NM)
Feinstein	McCaskill	Warren
Franken	Menendez	Whitehouse
Gillibrand	Merkley	Wyden
Graham	Mikulski	

The PRESIDING OFFICER. On this vote, the ayes are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to proceed to S. 16 is withdrawn.

AMERICAN FAMILY ECONOMIC PROTECTION ACT OF 2013—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 18, S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.

Harry Reid, Barbara A. Mikulski, Patty Murray, Sheldon Whitehouse, Mark Begich, Kirsten E. Gillibrand, Jack Reed, Sherrod Brown, Patrick J. Leahy, Robert P. Casey, Jr., Richard J. Durbin, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Charles E. Schumer, Barbara Boxer, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 51, nays 49, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—51

Baldwin	Gillibrand	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Cowan	Manchin	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—49

Alexander	Flake	Murkowski
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hagan	Pryor
Boozman	Hatch	Reid
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Landrieu	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	
Fischer	Moran	

The PRESIDING OFFICER (Ms. WARREN). On this vote the yeas are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on my motion to proceed.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CORPORATE JET LOOPHOLE

Mr. MORAN. Madam President, as we all know, our country faces tremendous fiscal challenges. We expect our President, our leaders, and those of us in Congress to engage in a meaningful and honest discussion about debt, deficits, and the direction of our Nation. Unfortunately, I think what Americans—certainly Kansans—are hearing from the White House and from some prominent Democrats is a relentless focus on political gimmicks to solve our problems.

An example of one of those is the so-called corporate jet loophole. We are focused on that instead of a serious plan to address the looming sequestration cuts that threaten to harm our economy. The President's fixation on corporate jets stands in direct contrast with his supposed desire to help the aviation industry and create jobs. Ending the accelerated depreciation schedule for general aviation aircraft will send hundreds if not thousands of hard-working Kansans straight to the unemployment line. My State is blessed with a significant number of people who work in the aviation industry.

This rhetoric is dangerous. It is certainly hypocritical. The 5-year depreciation schedule has been law for nearly a quarter of a century, and it was not created for the benefit of the ''rich'' or ''wealthy'' but was created for the benefit of the 1.2 million Americans who make a living building and servicing these airplanes. Accelerated depreciation helps spur manufacturing and creates jobs.

I am disappointed that the President continues his endless campaign to score political points rather than to work toward a real solution to solve our Nation's fiscal challenges. When 23 million Americans are looking for work, our government's first priority should be to create an environment where business can grow and hire additional workers. Increasing taxes on corporate jets and other general aviation aircraft sales will only further stifle economic recovery and result in additional job losses.

According to our Joint Committee on Taxation, closing the ''loophole,''

would only generate $3 billion in revenue over the next 10 years, less than the government borrows on a single day. Kansans in particular, along with the rest of rural America, would be negatively impacted by any change in the depreciation schedules for noncommercial aircraft. Farmers use general aviation aircraft to dust their crops, and rural small business owners rely on these planes to connect their businesses with the rest of the world. It makes no sense for a commercial jumbo jet liner to be depreciated on the same schedule as a farmer's air tractor.

This distinction between general and commercial aircraft is neither a loophole nor unique, as the 5-year depreciation schedule is applicable to many other depreciable transportation assets, such as cars and trucks. If the President wants Congress to review the depreciation periods associated with certain assets, then why single out one specific industry instead of taking a comprehensive approach? Because attacking corporate jets is apparently a nice political sound bite. But political sound bites don't solve our problems.

Because of the expiration of the Bush tax cuts on January 1 of this year, President Obama received $600 billion in tax hikes to help fund his vision for government expansion. Yet less than 2 months later he is back on the campaign stump asking American taxpayers for more.

While the amount of revenue our government currently brings in is near historical averages, spending remains well above those historical norms and is projected to escalate dramatically in the years ahead. It is long past time to address the real problem with meaningful spending reductions, and every moment spent talking about corporate jet loopholes is a wasted moment.

Americans expect leadership from their elected officials here in Washington, DC. If we fail to take action now and leave it for a future President and a future Congress to solve, we will reduce the opportunities of the next generation to experience the country we know and love, and we will diminish the chance that every American has the chance to pursue the American dream.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent to speak for 15 minutes as if in morning business.

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

SEQUESTRATION

Mr. GRASSLEY. Madam President, the last 2 days in the debate here, a lot has been said about the sequestration that presumably is going to happen tomorrow. I would like to speak on that subject because it is very important, particularly the history of sequestration and what has gone on here in recent weeks as we discuss this issue.

In August 2011 a compromise was reached to grant President Obama's request to raise the debt ceiling by $2.1 trillion. I believe that was because we had a feeling that there ought to be a $1 decrease in spending for every $1 increase in the ceiling. So that adds up to $2.1 trillion. In exchange for an increase in the debt ceiling, we Republicans in Congress asked for spending reductions. This all added up to the Budget Control Act passed on August 2, 2011. Decisions we are debating today were decided 18 months ago, so if you didn't like them in 18 months, you had an opportunity to change them. But here we are at the last minute talking about some changes.

The Budget Control Act of August 2, 2011, included budget caps to cut about $900 billion in spending immediately—August 2, 2011—and then it set up a supercommittee to find at least $1.2 trillion in additional deficit reduction. History shows that the supercommittee could not reach an agreement. So the failure of the supercommittee to reach an agreement led to the sequestration we are now debating and facing tomorrow, which is, as we know, automatic spending reductions of $1.2 trillion over the next 10 years.

I didn't support the Budget Control Act. I don't criticize those who did, and to be fair, it was a bipartisan vote that got the Budget Control Act adopted. I knew at the time—and one of the reasons I voted against it—that the supercommittee was unlikely to reach an agreement and that it would ultimately only further delay difficult fiscal decisions that needed to be made. But at the end of the day the bipartisan majority in the Senate and the House passed and President Obama signed the Budget Control Act—a bill to bring about $2.1 trillion in spending reductions over the next 10 years.

Most believe sequestration is a terrible way to reduce spending. I agree. There are surely better ways to reduce spending by the $85 billion that is going to happen this year—of which, by the way, only $44 billion is going to be spent between now and September 30.

When that is done, we are going to have a situation where every year there is going to be some decision made on whether to continue the $1.2 trillion, and I hope for the good of the country that continues, whether it is by across-the-board automatic cuts or maybe there will be a compromise that can be reached to do it in a more studied way.

The Republican-led House of Representatives, soon after the 2011 decision, recognized that the automatic reductions weren't the best way to do it. So last year they passed two bills to reorganize those cuts in a more structured way. Did the Senate consider those two bills? No. The Democratic-led Senate produced or considered no bill prior to today to avert the sequester.

So I think it is fair to say that for the 18 months we could have been working together to find an agreement, nothing was done after the House of Representatives worked that agreement. Now we have all these crocodile tears flowing from the majority here in the Senate because of the terrible hardship this sequester may cause. Well, where have they been for the last 18 months? Why have they not proposed a single piece of legislation to avert sequestration until this very last minute? The two votes we just had today are an example.

Why has the Senate avoided regular order with such vigor? In other words, regular order—let the committees hold hearings; let the committees debate, amend, vote a bill out; let it come to the Senate floor; debate, amend, and vote it to a conference with the House of Representatives. But no regular order. Under regular order, you work to compromise. But the Senate failed to act after the House acted. So here we are at the eleventh hour to consider an alternative.

Just like their inability to produce a budget in nearly 4 years, this Senate majority has again failed to act. A budget is a very important part of fiscal discipline, but we haven't had a budget debate for 3 years even though the 1974 law requires us to have such debate and passage.

Tomorrow the President is going to meet with leaders in the Congress to see what can be done about sequestration, but why the very same day sequestration is taking place? What has the President been doing?

Well, we have seen him traveling around the country generating mass hysteria about what might happen—and wouldn't have had to do it if we had regular order here in the Senate in the meantime.

I would like to remind my colleagues that not only is the sequester a product that came from the White House, he explicitly pledged to veto a proposal to replace the cuts sometime when it was brought up in late 2011 and 2012. This is what the President said on November 2011:

> Some in Congress are trying to undo these automatic spending cuts. My message to them is simple. No. I will veto any effort to get rid of those automatic spending cuts to domestic and defense spending. There will be no easy off-ramps on this one.

Now the President and the Democrats here in the Senate want us to agree to more tax hikes on the American people rather than to cut the $3.6 trillion budget by just 2.4 percent, which they agreed to as part of the 2011 deal. Tax hikes were not included in that deal. They weren't included because we know that spending is the problem, not revenues.

The President must be absolutely frustrated. He apparently can't manage

a meager 2½-percent reduction even though just a few years ago he stated:

I want to go line by line through every item in the federal budget and eliminate programs that don't work and make sure that those that do work, work better and cheaper.

He must not have had any success because once again he is asking for a tax hike to reduce the deficits rather than addressing the real cause of the problem, which is spending.

Over the past several years we have heard a lot from the other side about increasing taxes on the so-called wealthy. The President and my Democratic colleagues argued that this was necessary to make the rich pay their fair share. Well, on January 1 the other side got their wish. The top statutory tax rate increased from 35 to 39.6 percent. When this statutory rate increase is coupled with the hidden rate increase from reinstituting the personal exemptions phaseout and the limitation on itemized deductions, the top marginal effective tax rate is not 39.6 percent but near 41 percent.

Not only did we see an increase in the income tax on January 1, but we also saw a significant tax increase on capital gains and dividends. The fiscal cliff bill instituted a top 20 percent tax rate on capital gains and dividends. However, this is not the whole story. A provision from the health care reform bill that imposes a 3.8-percent surtax on investment income also went into effect at the start of the year. Thus, the top rate has jumped not from 15 percent to 20 percent but instead to 23.8 percent. That, of course, is nearly a 60-percent rate hike. You would think, after securing these tax hikes on the so-called wealthy, the other side would claim victory and move on. At least one would think they would move on from the tired old rhetoric that the wealthy do not pay their fair share.

Even before the most recent tax hikes, that claim was dubious at best. According to the Congressional Budget Office—remember, that is a nonpartisan study group that gives us basic information on changes of law—they say the top 1 percent already had an average Federal tax rate of 29 percent compared to 11 percent for the middle 20 percent of households. Yet the other side continues their politics of division. They continue to pit American against American and single out politically unpopular industries for tax hikes. While this may be good politics, it does not make good policy. You know, it is the other rule we ought to follow: Good policy is good politics.

The other side has resurrected in addition as part of this package before us the so-called Buffett rule, which would phase in a minimum 30-percent tax rate for taxpayers earning more than $1 million. This is despite the fact that this proposal was voted down by this body less than a year ago and they know there is no chance of it passing at this point. Moreover, their argument for this provision makes even less sense now, given the tax increases that went into effect on January 1.

It also is not clear to me why, when we are talking about reforming the Tax Code, we are now seeking to add an additional layer of complexity onto a Tax Code we already agree is too complicated.

At the end of the day, all the Buffett rule will accomplish is siphoning off more job-creating capital and investment for Main Street so that we can spend it here in Washington, DC. I hope we all know that government consumes wealth, it does not create wealth. The wealth is created outside of this city of Washington, the seat of our government. We have to take that into consideration. It takes capital to create jobs. If you want to get unemployment down, you do not take capital out of the private sector.

In addition to the Buffett rule, the other side has resurrected another proposal voted down by this body less than a year ago. This proposal has to do with businesses deducting ordinary and necessary business expenses. The rhetoric from the other side is that their proposal would close a loophole that incentivizes companies to ship jobs overseas. The problem is no such provision exists. The deduction for ordinary and necessary business expenses is a mainstay of our Tax Code. It is an income-defining provision that accounts for the cost of doing business. What the proposal before us actually does is target companies doing business on a worldwide scale for a tax hike. This will not create jobs in America. It will not bring jobs that have relocated offshore back home. What it will do is punish businesses that seek to expand in the international markets, which in turn could actually cost us jobs here at home.

The final tax increase included in the other side's proposal today is more of a budget gimmick than a serious proposal to help pay for the delay in the sequester. The proposal would subject oil from tar sands to taxes that support the oilspill liability trust fund. However, if the revenue raised from this proposal is dedicated to this trust fund, how can it at the same time be dedicated to deficit reduction? If we are going to get serious about deficit reduction, we need to put an end to this double-counting charade.

The only spending the other side is willing to cut is farm subsidies. Using farm subsidies to help pay for sequester replacement puts the Agriculture Committee in quite a tough position. I want to remind my colleagues, though, that when we wrote a farm bill last year that passed the Senate by a bipartisan majority—it didn't pass the House of Representatives—but we cut $23 billion from that. We did away with direct payments, we maintained the crop insurance program, we put money in other programs and in food stamps as well.

There is broad support for the farm bill here in the Senate from both Democrats and Republicans and there is broad support for making spending reductions. But for Democrats to include cutting subsidies outside the context of a farm bill will make it difficult for us to write a farm bill. As we all know, there has been a lot of history of rural and urban legislators working together on farm and nutrition issues in the farm bill. By cutting farm programs in this sequestration replacement, my Democratic colleagues are undermining the ability of the Agriculture Committee to craft a bill that will gain the needed support to move through the Senate in a bipartisan way as it did last June.

I think the proposal will hurt our agriculture communities and I think those involved in American agriculture will oppose it.

At the end of the day, though, there will be money saved in the farm bill. If, given that opportunity, we can provide savings from a lot of programs, we should. We showed that ability last year. We all know the farm bill faced big challenges in the House last year. The challenges probably still exist in that Chamber, but we should not put ourselves in a position where we cannot even get a bill through the Senate.

For those of us who support the farm bill, we should be very concerned that this plan the Democrats are putting forward to avoid sequestration could seriously undermine the ability to pass a farm bill in either Chamber this time around. We just had an opportunity to vote on the Democrats' tax increase. This was the first vote in the Senate on an alternative to sequestration and the first alternative offered by the Senate majority. Over a period of 18 months, they had an opportunity to offer that alternative, just as the House Republicans offered us two alternatives we never took up.

We also had the opportunity to vote on one alternative from the Republican side of the aisle, but both of these votes were for show. I hope we can now work together in a bipartisan way, in regular order, to make sensible spending reductions. It is time to end the incessant talk of more tax hikes on Americans when those tax hikes already took place on January 1, when we know that the problem is in fact runaway spending. It is time to end the constant campaigning and do the work the American people expect us to do so we can leave the next generation a better life than the present generation has.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. COONS). The Senator from Ohio.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that the Senator

from Louisiana, Mr. VITTER, be allowed to speak following my remarks.

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

TOO BIG TO FAIL

Mr. BROWN. Mr. President, I welcome Senator VITTER and his cooperation in this matter. I appreciate the work he has done on the issue. He and I are going to address the concentration of the financial system in this country and what that means to the middle class, what it means to business lending for small businesses, and again what it means to the potential of too big to fail, which is something Senator VITTER has been a leader on for a number of years. Both of us are members of the Senate Banking Committee.

More than 100 years ago, in 1889, one of my predecessors, Senator John Sherman, a Republican, and author of the Sherman Antitrust Act—who actually lived in my hometown of Mansfield, OH, and was the only other Senator from that city who served here—said:

> I do not wish to single out Standard Oil Company . . . [s]till, they are controlling and can control the market so absolutely as they choose to do it; it is a question of their will. The point for us to consider is whether, on the whole, it is safe in this country to leave the production of property, the transportation of our whole country, to depend upon the will of a few men sitting at their council board in the city of New York, for there the whole machine is operated?

At the time, Senator Sherman was speaking about the trusts—specifically Standard Oil but other trusts as well—that were large, diverse industrial organizations with outsized economic and political power, not just economic power but also political power. His words are as true then as they are today. Today our economy is being threatened by multitrillion dollar—that is trillion dollar—financial institutions. Wall Street megabanks are so large that should they fail, they could take the rest of the economy with them.

If this were to happen, instead of failure, taxpayers are likely to be asked again to cover their losses and to bail them out just as we did 5 years ago. This is a disastrous outcome because it transfers wealth from the rest of the economy into these megabanks and suspends the rules of capitalism and perpetuates the moral hazard that comes from saving risk-takers from the consequences of their behavior.

Just as Senator Sherman spoke against the trusts in the late 19th century, today people across the political spectrum—both parties and all ideologies—are speaking about the dangers of the large, concentrated wealth of Wall Street megabanks.

In 2009, another Republican—and one a little more familiar to a modern audience—Alan Greenspan said:

> If they're too big to fail, they're too big . . . in 1911 we broke up Standard Oil. . . . Maybe that's what we need to do.

If anyone thought the biggest banks were too big to fail before the crisis, then I have bad news: They have only gotten bigger.

These are the six largest banks and their growth patterns in 1995—18 years ago—had combined assets that were 18 percent of GDP. Today they have combined assets over 60 percent of GDP. Over that time, 37 banks merged 33 times to become the top 4 largest behemoths, which now range from $1.4 trillion in assets to the largest, Bank of America and JPMorgan Chase, which is around $2.3 or $2.4 trillion in assets. That is $2.3 trillion in assets. Since the beginning of the fiscal crisis, three of these four megabanks have grown through mergers by an average of more than $500 billion.

The 6 largest banks now have twice the combined assets of the rest of the 50 largest U.S. banks. These 6 banks—Morgan Stanley, Goldman Sachs, Wells Fargo, Citigroup, JPMorgan Chase, Bank of America—the combined assets of 6 banks, are larger than the next 50 largest banks. Put another way, if we add up the assets of banks 7 through 50, the bank that resulted would only be half the size of a bank made from the assets of the top 6.

As astonishing as these numbers are, they don't tell the whole story. Many megabank supporters argue that U.S. banks are small relative to international banks.

But as Bloomberg reported last week, FDIC Board member Tom Hoenig has exposed a double standard in our accounting system that allows U.S. banks to actually shrink themselves on paper. Under the accounting rules applied by the rest of the world, the 6 largest banks are 39 percent larger than we think they are. That is a difference of about $4 trillion. If that is the case, instead of being 63 percent of GDP under international accounting rules, these 6 banks are actually 102 percent of GDP. Let me say that again. The six biggest banks' combined assets are slightly larger than the entire size of our economy. When measured against the same standard as every other institution in the world, we see the United States has the three largest banks in the world. These institutions are not just big, they are extremely complex.

According to the Federal Reserve Bank of Dallas, the 5 largest U.S. banks now have 19,654 subsidiaries. On average, they have 3,900 subsidiaries each and operate in 68 different countries. These institutions are not just massive and complex—I don't object so much to that—it is they are also risky.

According to their regulator, the Office of the Comptroller of the Currency—and I met with them today—none of these institutions has adequate risk management. Let me say that again. In stress tests, not one of the largest 19 banks has shown adequate risk management.

It is simply impossible to believe that these behemoths will not get into trouble again. We saw what happened with one of the best managed banks with a lot of employees—some 16,000, 17,000, 18,000 employees in my State alone—at one site with 10,000 employees in Columbus: JPMorgan Chase, a well-managed bank with a very competent CEO but a bank that not so long ago lost $6 billion or $7 billion.

It is impossible to believe they will not get into trouble again and they will not be unwound in an orderly fashion should they approach the brink of failure.

If you don't believe me, ask Bill Dudley, President of the Federal Reserve Bank of New York. He said recently that ''we have a considerable ways to go to finish the job and reduce to intolerable levels the social costs'' of a megabank's failure. He said that more drastic steps ''could yet prove necessary.''

Governor Dan Tarullo, from the Federal Reserve, threw his support behind a proposal first introduced by the Presiding Officer's predecessor, Senator Ted Kaufman, and me to cap the nondeposit liabilities of the megabanks some 3 years ago in this body.

These men are not radicals; they are some of the Nation's foremost banking experts.

History has taught us we never see the next threat coming until it is too late and almost upon us. When we passed the Dodd-Frank Act, it contained tools that regulators can use to rein in risk taking.

Unfortunately, many of those rules have stalled, and most will not take effect for years, because it is not just the economic power of the banks but the political powers so often having their way in this city and with regulators all over the country.

Dodd-Frank focuses on improving regulators' ability to monitor risks and enhancing the actions that regulators can take if they believe the risk has grown too great. Over the last 5 years alone we have seen faulty mortgage-related securities, we have seen foreclosure fraud, and we have seen big losses from risky trading, money laundering, and LIBOR rate digging.

Until the Dodd-Frank rules take effect, the rest of us more or less have to stand by idly as megabanks take more risks that almost inevitably and eventually lead to failure.

We shouldn't tolerate business as usual, monitoring risk until we are once again near the brink of disaster. We should learn from our recent history. We should correct our mistakes by dealing with the problem head on. That means preventing the anticompetitive concentration of banks that are too big to fail and whose favored status encourages them to engage in high-risk behavior.

How many more scandals will it take before we acknowledge that we can't rely on regulators to prevent subprime lending, dangerous derivatives, risky proprietary trading, financial instruments that nobody understands, including the people running the banks in many cases, and even fraud and manipulation.

Wall Street has been allowed to run wild for years. We simply cannot wait any longer for regulators to act. These institutions are too big to manage, they are too big to regulate, and they are surely still too big to fail.

We can't rely on the financial market to fix itself because the rules of competitive markets and creative destruction don't apply to Wall Street megabanks as they do to businesses in Louisiana or Delaware or Ohio. Megabanks' shareholders and creditors have no incentive to end too big to fail. As a result, they will engage in ever-riskier behavior. In the end, they get paid out when banks are bailed out.

Taking the appropriate steps will lead to more midsized banks—not a few magabanks—creating competition, increasing lending, and providing incentives for banks to lend the right way.

If there is one thing the people in Washington love, it is community banks. Senator VITTER has been very involved in helping community banks deal with regulations and other kinds of rules. Cam Fine, the head of the Independent Community Bankers of America, is calling for the largest banks to be downsized because he sees that his members, the community banks—there might be 50 million, 100 million, or less than that in assets—are at a disadvantage.

Just about the only people who will not benefit from reining in these megabanks are a few Wall Street executives. Congress needs to take action now to prevent future economic collapse and future taxpayer-funded liabilities.

Before yielding, I wish to thank Senator VITTER, who recognizes this problem with an acuity that most don't have, and for joining me in doing something about it. I am pleased to announce today that we are working on bipartisan legislation to address this too-big-to-fail problem. It will incorporate ideas put forward by Tom Hoenig, Richard Fisher, and Sheila Bair. Senator VITTER will talk about his views in a moment.

The American public doesn't want us to wait. They want us to ensure that Wall Street megabanks will never again monopolize our Nation's wealth or gamble away the American dream.

To those who say that our work is done, I say we passed seven financial reform laws in the 8 years following the Depression, so it is clear there is precedent for not just one time, one fix, but a continued addressing of this problem until we know we have the strength of the American financial system returned to the way it once was.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I am proud to join Senator BROWN on the Senate floor to echo those comments. I agree that too big to fail, unfortunately, is alive and well, and that poses a real threat to all of us—to consumers and citizens everywhere and fundamentally to the American economy.

Coming out of the financial crisis, it seemed to me that the biggest threat and the biggest problem was continuing too big to fail. I think now, several years after the passage of Dodd-Frank, we have objective numbers and evidence that it did not bury too big to fail. Again, they are objective numbers and evidence and pricing in the market that too big to fail is alive and well.

I think the fact that Senator BROWN and I are both here on the floor echoing each other's concerns, virtually repeating each other's arguments, is pretty significant. I don't know if we quite define the political spectrum of the Senate, but we come pretty darn close. Yet we absolutely agree about this threat.

I think Senator BROWN's historical analogy is right. It is like the unfettered growth and power of the trusts in the late 19th century, and there too folks of all sorts of ideologies correctly recognized that threat—liberal Democrats as well as Senator BROWN's Republican predecessor, Senator Sherman, and, of course, the biggest Republican trust-buster of all, Teddy Roosevelt. It is the same issue. It is the intense concentration of power. As a conservative, I am very suspicious and nervous about that, whether it is when it is in government or whether it is when it is in the private sector.

I think the sort of bipartisan consensus that, perhaps, we personify on the Senate floor is also growing outside Congress and outside this institution. Senator BROWN alluded to some of it, but let me flesh that out.

We have, for instance, the Federal Reserve Board Governor, Dan Tarullo. He was appointed by President Obama. He was a prominent figure in drafting and implementing Dodd-Frank. He recently lamented:

> . . . to the extent that a growing systemic footprint increases perceptions of at least some residual too-big-to-fail quality in such a firm—

Meaning a megabank—

> notwithstanding the panoply of measures in Dodd-Frank and our regulations, there may be funding advantages for the firm, which reinforces the impulse to grow.

In a little more blunt terms, our colleague, Senator ELIZABETH WARREN, who is also a figure in coming up with Dodd-Frank, said recently in our Banking Committee hearing with Chairman Bernanke:

> I'd like to go to the question about too-big-to-fail; that we haven't gotten rid of it yet. And so now we have a double problem, and that is that the big banks—big at the time that they were bailed out the first time—have gotten bigger, and at the same time that investors believe that too-big-to-fail out there, that it's safer to put your money into the big banks and not the little banks, in effect creating an insurance policy for the big banks that the government is creating this insurance policy—not there for the small banks.

In a similar way, we have those concerns echoed in the real world outside this body on the right as well.

Recently, George Will said:

> By breaking up the biggest banks, conservatives will not be putting asunder what the free market has joined together. Government nurtured these behemoths by weaving an improvident safety net and by practicing crony capitalism.

Peggy Noonan, another well-known conservative, has said:

> If you are conservative you are skeptical of concentrated power. You know the bullying and bossism it can lead to. . . . Too big to fail is too big to continue. The megabanks have too much power in Washington and too much weight within the financial system.

So I do think there is a real and growing consensus in this body, in Washington, and in the real world, as I have suggested by those observers' quotes, and I think we need to build on that consensus and act in a responsible way.

Senator BROWN and I have been doing that, first with joint letters to Chairman Bernanke and others, focusing on the need for significantly greater capital requirements for the biggest banks. We think this would be the best and first way we should try to rein in too big to fail, to put more protection between megabank failure and the taxpayer, more incentive for the megabanks to perhaps diversify, perhaps break up, or at least correctly price their size and risk to the financial system.

We are following up on that initial work that was reflected in letters and specific suggestions to Chairman Bernanke with legislation that is quite far along, and I know we will be talking about more both today and in the near future.

With that, let me invite Senator BROWN to round out his comments, and then I will have a few more words to say.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I know Senator ALEXANDER is waiting to speak. I thank Senator VITTER for his work on this issue. I remember the first discussions Senator VITTER and I had about this when he was asking some tough questions of a couple of regulators—it might have been the Secretary of the Treasury as well as a couple of other regulators—on capital standards and how important it was that, as he just mentioned, these banks have the kinds of capital standards, have the kinds of capital reserves that are so important in making sure these banks are healthy. Probably most of us in our lives have seen the movie ''It's a Wonderful Life,'' and we know what happens to a bank that is not capitalized; a small-town example of a bank that served the country in ways that community banks do. It is a very different story today, perhaps.

But I think his insight into the importance of capital reserves and then continuing these discussions, we both came to the realization that, as he pointed out, people all across the political spectrum—some of my more Democratic colleagues, people such as George Will and others—have been very involved as business leaders and speaking out on issues that matter.

So I thank Senator VITTER for his work. We will be working on legislation, and I am hopeful more of my colleagues see how important this issue is so we can continue to work together.

I yield the floor.

Mr. VITTER. Again, I thank Senator BROWN for his partnership. Senator BROWN, with those posters, made crystal clear the facts. The fact is that since the financial crisis, the megabanks have only continued to grow in size, in dominance, and in market share. In fact, that has accelerated significantly.

Some folks will say: Oh, well, that was a preexisting trend. That is because of a number of factors.

It is certainly true there are a number of factors at issue. But the growth has only accelerated since the crisis and Dodd-Frank. It has not let up. In addition, there have been several recent studies that actually quantify the fact that too big to fail is a market advantage, is, in essence, a taxpayer subsidy, as ELIZABETH WARREN suggested, for the megabanks.

An FDIC study released in September says that. It says:

> The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 was explicitly intended to, in part, put an end to the TBTF [too big to fail] de facto policy.

But it concludes that:

> The largest banks do, in fact, pay less for comparable deposits. Furthermore, we show that some of the difference in the cost of funding cannot be attributed to either differences in balance sheet risk or any nonrisk related factors. The remaining unexplained risk premium gap is on the order of 45 bps [basis points]. Such a gap is consistent with an economically significant ''too-big-to-fail'' . . . subsidy paid to the largest banks.

Another recent study and working paper is an IMF working paper. It simply attempted to quantify that taxpayer too-big-to-fail subsidy. According to that study, before that financial crisis, the subsidy:

> . . . was already sizable, 60 basis points. . . . It increased to 80 basis points by the end [of] 2009.

Then, most recently, Bloomberg has tried to put pen to paper and refine that calculation, and Bloomberg's calculation is $83 billion—an $83 billion subsidy of the five biggest U.S. banks, specifically because of artificially cheap rates created by the market believing they are too big to fail.

I do not like huge size and dominance in market share, period. But certainly—certainly—we should not have government policy that is driving it, that is exacerbating it. It seems to me that should be a solid consensus left and right, Democrat and Republican.

Senator BROWN and I are following up on our previous work and drafting legislation. Of course, we are not ready to introduce that today. But it would fundamentally require significantly more capital for the megabanks and would distinguish between megabanks and other size banks; namely, community banks, midsized banks, and regional banks. The largest banks would have that significantly higher capital requirement.

It would also try to walk regulators away from Basel III and institute new capital rules that do not rely on risk weights and are simple and easy to understand and are transparent and cannot be gamed the way we think Basel III can be manipulated and gamed.

Requiring this would do one or both of two things. It would better ensure the taxpayer against bailouts and/or it would push the megabanks to restructure because they would be bearing more cost of that risk to the financial system.

In addition, we are contemplating and discussing another section of this bill that would do something that I think is very important to do at the same time: create an easier—not a lax but a more appropriate regulatory framework for clearly smaller and less risky financial institutions such as community banks.

Again, I thank Senator BROWN for his partnership. I thank him for his words today. I look forward to continuing to work on this project, as I believe a true bipartisan consensus continues to grow on this issue.

Mr. BROWN. Mr. President, I will speak briefly, and then I will certainly yield to Senator ALEXANDER.

I appreciate very much Senator VITTER's words and comments and insight. I wish to expand for 2 or 3 minutes on one thing he said about the subsidy that these largest six banks get.

We can see again on this chart that 18 years ago these six banks' total assets were 18 percent; 18 years ago it was 18 percent of GDP. Today, through mergers and growth—and I would argue unfair competition in many cases—they are over 60 percent. But what Senator VITTER said, which I think is important to expand on a bit, is the subsidies these banks get—Bloomberg said it was about $83 billion a year in subsidies they get because of government action or inaction, frankly. It is interesting, that $83 billion, when we are talking about the sequester today is about $85 billion, is not relevant, except putting it in some context.

But the reason they have this $83 billion subsidy, $85 billion subsidy or so—$83, $84, $85 billion—or they have the advantage, when they go in the capital markets, of getting the advantage of 50, 60, 70, 80 basis points—and 80 basis points is eight-tenths of 1 percent in interest rate advantage—is because the capital markets believe their investments in these banks are not very risky because the markets believe these banks are too big to fail because they have the government backup for them.

So if they have no risk, people are willing to lend money to them at lower interest rates. That is why the Huntington Bank in Columbus, OH, a large regional bank with about $50 billion in assets, or Key, a larger bank in Ohio—still, though, a regional bank—or banks in Coldwater, OH, or Sycamore, OH, or Third Federal in Cleveland—banks that maybe own only a few tens of millions or even up to $1 billion in assets—do not have that advantage. They pay higher interest rates when they borrow because the people who lend to them know they are not going to get bailed out if something bad happens.

It is only these six largest banks that have that advantage. So because they can borrow money from the markets at a lower rate, they are, in effect, being subsidized because we have not fixed this too-big-to-fail problem for the Nation's banks.

So it is not a Senator or a conservative Republican or a progressive Democrat from Louisiana or Ohio making this case that they are getting this advantage; it is the capital markets that have decided, yes, these are too big to fail, so we are going to lend them money at lower rates than we would lend to the Huntington or Key or Third Federal or FirstMerit in Ohio.

Fundamentally, that is the issue; that it is our actions or inactions that have given these banks a competitive edge that nobody through acts of government—whether you are a liberal or a conservative—should believe it should be part of our economic system and our financial system.

I thank Senator VITTER and yield the floor.

The PRESIDING OFFICER (Mr. COWAN). The Senator from Tennessee.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 421 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Ms. MURKOWSKI. Mr. President, I am pleased to stand with so many colleagues not only here on the Senate side but over in the House to recognize an accomplishment—an accomplishment of the Congress. I think it is important to recognize that in these times that are so contentious, where a lot of messages go back and forth but at the end of the day we haven't governed, we haven't done what we had hoped legislatively, we haven't really helped people, today we can be proud that we have worked to help people, particularly women, and that is through final passage of the Violence Against Women Act. It has been a long time coming.

We successfully moved that legislation through this body last year. I was a proud cosponsor, an early cosponsor. This ought not to be a Republican issue or a Democratic issue. It ought not be a woman's issue. It is an issue that should bother all of us when we cannot stand together and help those who have been victims of domestic violence. If

we can't do that as a minimum, we really aren't doing our job, we really aren't doing service to people.

It is exceptionally good news that not only have we seen final passage in the Senate again this Congress with 78 Senators in support, but today the House on a vote of 286 ayes to 138 nays advanced the Violence Against Women Act reauthorization.

I wish to acknowledge the good work of the Judiciary chairman, Senator LEAHY, for his leadership and for continually pushing. Sometimes you need to keep going at it until it is recognized that the time has long passed, come and gone, that we should act.

I am pleased that we heard the call of some 1,300 organizations representing domestic and sexual violence groups, such as the AWAIC shelter in Anchorage. So many of the shelters across my State—truly, those agencies, those people have done so much to help so many.

There is cause for celebration that the Congress has finally taken the right action to help those victims of domestic violence. I am pleased to acknowledge that accomplishment today.

KING COVE, ALASKA

Mr. President, I want to continue with a story I began a few weeks ago. I stood before this body and decried the actions of the Fish and Wildlife Service when they announced they were moving forward with a no-action alternative in an area of the State of Alaska on the Aleutian chain, in the Aleutians East Borough where the small community of King Cove, a small community of less than 1,000 people, was being denied access to an all-weather airport—an airport that could help relieve the suffering, the anxiety. Truly, there is trauma that comes when there is a medical emergency in your community and you are trapped because of the weather: You can't get a plane, you can't get a boat safely to you. There is an option, and that option would require that a 10-mile stretch of road, a one-lane gravel road designed for noncommercial use, be placed on the edge of the refuge to allow for this Aleut community to access the rest of the world for help, for medical help.

I stood and I told my story, and I wanted to update the Senate as to where we stand today because as much as I would like to say that I was successful down here on floor in encouraging the Secretary of the Interior to act in the best interests of the people who live in King Cove, respect their safety, respect their lives as much as the refuge is being respected—I wouldn't need to update you; I would just say it was a good win for all. The fact is that we are not there yet. So I think it is important that people understand where exactly we are.

I think this is about the sixth visit the people of King Cove have made from King Cove, AK—some 4,000-plus miles—to Washington, DC. They were given an opportunity to meet with Secretary Salazar this morning. I had an opportunity, along with Senator BEGICH, to get an update on that meeting, and I heard that it was good and the Secretary listened. I hope the Secretary listened not only with his ears but with his eyes as he saw the tears of those people, with his soul as he heard their fears, their anxieties. I so hope that the Secretary appreciates that when he says his highest moral responsibility is to the Native and Indian people, he is able to translate that into action, into positive action for these people in King Cove.

I would like to share with you in the few minutes I have remaining some of the stories the Secretary heard this morning.

The community of King Cove is out in the Aleutians, about 600 air miles from Anchorage. It is about a $1,000 roundtrip ticket to get to Anchorage. Why do you need to get to Anchorage? King Cove has a medical clinic, it has a physician's assistant. If you have anything more serious than a need to set a broken bone, for instance, you must leave the village for care in Anchorage, so you need to make that trip.

A community such as King Cove has real mountains. It is tough to get in and out by plane. In fact, the Coast Guard, which was called in to do five rescues last year, says that getting in and out of the King Cove airstrip is one of the worst places in Alaska because of the terrain, the weather, the wind shears that come off the mountains, the turbulence that pushes a helicopter down. It is just a bad-case scenario. Fixed wing, helicopter—it doesn't make any difference. It is tough.

There is an option. King Cove is on the water, but the waters in King Cove are not always calm. In this picture, unfortunately, it seems almost tropical looking with the blue waters. This is the dock in King Cove. You might not be able to see it from where you are sitting, Mr. President, but each one of these rungs up this steep metal ladder is about 2 feet. So if you were down here in your boat, if you had been delivered by crab boat to King Cove—about a 2½ or 3 hour ride across waters that can be about 20 feet high in the blowing gale—you then have an opportunity to come to the dock, and this is the way you get up the dock.

However, if you are like Lonnie's father—Lonnie was here to speak to the Secretary today. His father, a 67-year-old man, had double pneumonia. They had to get him out of King Cove and into Anchorage. In order for this very sick man to get up this ladder, his son, who is right down here, is pushing him up from behind. They have a line from a crab pot around his upper body. This gentleman just had shoulder surgery a couple months prior to this, and they literally hauled him up.

This was several years ago. You might think, well, maybe things have gotten better in King Cove. This picture is an individual being hauled up off the docks in a gurney-type of sled. This dock is where he is being hauled up. This is how we haul the crab pots out of the water. Two weeks ago this gentleman broke his leg in four different places and was in danger of losing his foot if he couldn't be medevaced to Anchorage.

The technology hasn't gotten better. We haven't been able to figure out how to move people safely if they are injured.

There are situations with aircraft where, because of the wind shears and the topography, there are landings like this. This is the landing that Della Trumble, who came back to speak to the Secretary this morning, witnessed as her daughter, who was in this plane, was on approach. All of a sudden gusts came out of nowhere and this aircraft was pushed down, smashed into the runway. Fortunately, there were no fatalities. But Trisha, her daughter, who also came back to talk with the Secretary, is so frightened to fly anymore that it is pretty amazing that she was even able to make the trip back.

The stories are so real, and the stories are so much in the present. We think about those who aren't here to tell the stories. These are some of the individuals who over the course of years have died, whether in an airplane crash some years ago where four individuals died, whether it is Christine or Mary or Ernest or Walter. These are folks who didn't make it out. But what we don't have here are those people living now who have their foot, barely, or who recovered from that double pneumonia, barely. They are living to tell the story or their family members are living to tell the story, but they are horror stories.

There is a simple answer, and a simple answer is a 10-mile, one-lane gravel road with a cable along the length of the road so that you can't go off the road and go joyriding in the refuge.

We are talking about a small community of less than 1,000 people being attached to another community where there are less than 100 people. You are never going to have the volume of traffic you have in your State or that I have in the more urban areas of Alaska. We are talking about a connector road to be used for noncommercial uses.

When a woman like Annette needs to travel up this ladder—I don't care even if it is good weather like this—if a pregnant woman needs to get out of town by getting on a crab boat and going 3 hours across turbulent waters, hauling her up a metal ladder like this to get to an airplane, where she may fly out and make that connection to Anchorage—when you put her through this, you wonder why that pregnant woman is doing that. You cannot deliver a baby in King Cove. We don't have doctors, and we don't have anesthesiologists. Six weeks before your due date, you are told to go to town. ''Town'' is Anchorage, AK—600 miles away. When they are 8 months pregnant, every pregnant woman in King Cove must get out. This is what we are putting these people through. And the answer is so simple.

So I stand before you today with a call—a call to Secretary Salazar, a call to this administration to listen to the people. Listen to the people who have lived in an area for a thousand-plus years who want to continue to call this place home and who are looking for very basic accommodations—very basic accommodations.

We have refuges all over this country. I got an e-mail from a friend of mine who said, as I am sending you this text, I am driving through a refuge in Florida—driving through a refuge in Florida. It is a paved road. There are signs along the road. There are two lanes and it is a refuge. We are asking for a 10-mile, 1-lane gravel, basically emergency access road for the people of King Cove.

Sometimes I think because King Cove is so far out of the way—at the end of the world as far as some people are concerned—it is kind of out of sight, out of mind, and that maybe what we do is we say in this part of the country the birds are more important than the people. There is sensitive habitat out there, I agree, and we need to be responsible in how we protect habitat. But we can protect habitat and we can also let the human beings who live there exist or coexist side by side and do it respectfully. The people in King Cove respect the land more than you and I can ever appreciate, because if they fail to respect the land, they do not live.

So when we talk about how we can reach an accommodation, the people of King Cove say, we are asking for a simple level of safety, and in order to gain this level of safety, we are willing to give up our lands. We are willing to give up other lands we own in exchange for this small corridor. So when we are talking about this trade, this land conveyance exchange we signed off on in 2009, it is a 300-to-1 exchange. The Federal Government gets 300 times more than the Aleuts get—300 times more—or basically 56,000-plus acres going to the Federal Government. This will be the first new wilderness created in Alaska since INILKA back in the 1980s.

What is being asked for is this small corridor, basically 206 acres, all told. Yet the Fish and Wildlife Service has said, Nope, 300-to-1 isn't good enough for us. They think there are other alternatives. They say: Well, why can't you have a ferry? Put a lightweight aluminum ferry out there. And do you know what the Fish and Wildlife Service did? They actually went out, when they were looking at the EIS, and they decided they were going to cost out what an aluminum ferry might cost. So when the Director of Fish and Wildlife sat down with me, he said: Senator, there is another alternative out there.

Well, he should talk to the people of King Cove about how viable an across-water alternative is when, during the wintertime, you can't get into these areas because it is all iced over. You can't get into that area. Talk to the people in King Cove about what it means to be very sick, to have double pneumonia, to be 8½ months pregnant, to have broken bones or a broken body, and have to fight 20-foot waves for 3 hours and then climb up a ladder, such as the one I have shown here, in those elements, to get to an all-weather airport that can get you safely to Anchorage. All they are asking for is a 10-mile gravel road.

I have suggested to the Secretary—and I have suggested this to the President's nominee to be Secretary of the Interior—that sometimes I think there is a double standard; that we allow things to go on in other parts of the country, but in Alaska there is a different standard. The standard for the safety of an American should never be changed. It should not be higher for someone in the eastern part of the country than it is for somebody out in King Cove. We are talking about the safety of Americans, with a reasonable alternative. We shouldn't be having to fight our government this way.

But the people of King Cove are willing to travel all the way to make their case. I thank the Secretary for hearing them out. I think the Secretary is a compassionate man, and my hope is that when he looked in their eyes and he heard their stories his heart was moved to respect the people of King Cove, to respect the Alaska Natives, to respect them as much as he has shown respect for the public lands he has been entrusted to protect these past 4 years. Here is an opportunity to issue this best-interest finding and to reverse the decision from the Fish and Wildlife Service which says that no action is the way we go forward.

No action compromises the safety of these Americans. That is not acceptable.

We will keep working. We will keep fighting. But I believe that in the end, right will prevail and the people of King Cove will have their safety.

With that, Mr. President, I thank the Chair. I yield the floor.

(Mrs. GILLIBRAND assumed the Chair.)

WOMEN'S HISTORY MONTH

Mr. LEAHY. Madam President, tomorrow we will begin commemoration of Women's History Month—an annual occasion to celebrate and honor the many contributions of women to American history, culture, and society. Since our Nation's founding, generations of women have fought injustice and broken down barriers at home, in the workplace, and in their communities in pursuit of the American dream. During Women's History Month, we remember these struggles, celebrate our collective progress, and renew our commitment to protecting the rights of all women.

Earlier this month, the Senate came together in the best tradition of the Chamber to pass the Leahy-Crapo Violence Against Women Reauthorization Act with a strong bipartisan vote. This bill would not have passed without the strong leadership and support of every woman currently serving in the Senate. And today the House of Representatives passed our bipartisan bill to help survivors of rape, domestic violence, stalking, and human trafficking. On the eve of Women's History month, Congress's actions will prevent terrible crimes and help countless victims rebuild their lives.

A few days from now, on March 3, 2013, we will mark the centennial celebration of the 1913 women's suffrage procession—a watershed moment in the struggle for women's right to vote. On March 3, 1913—the eve of the inauguration of President Woodrow Wilson—more than 5,000 women from every State in the Union assembled in Washington, DC, to march for the right to vote. They did so in the face of widespread opposition to their cause, and some were hospitalized after violence erupted along the parade route. A century later, this courageous public act is recognized as the key turning point that led to the ratification of the 19th amendment to the Constitution, giving women the right to vote in 1920.

In the coming days, we will witness the arc of American history, as thousands of women retrace the steps of the heroines of 1913, by reenacting the Women's Suffrage March. This ''Centennial Women's Suffrage March'' will be led by the women of Delta Sigma Theta Sorority, Incorporated—the only African-American women's organization to participate in the 1913 march. I commend Delta Sigma Theta Sorority, UniteWomen.org, the American Association of University Women, the Daughters of the American Revolution and the many other women's organizations that will join forces to reenact this historic event. I also commend the many government and private sector institutions that will support this event, including the National Archives and Records Administration, the National Park Service, the National Women's History Museum, and the Smithsonian's National Museum of American History.

Like the many Americans who will commemorate the women's suffrage march this weekend, I celebrate the progress that we have made towards justice, fairness, and equality for women—and for all of our citizens. But, while we have made remarkable strides towards gender equality, gender discrimination still exists. According to a recent study by the American Association of University of Women, full-time working women who are recent college graduates earn, on average, just 82 percent of what their male counterparts earn in the workplace. This gender wage gap directly affects the economic stability of American families. A Center for American Progress report on women in the workplace found that in 2010 nearly two-thirds of all American mothers were either the primary breadwinner for their family or shared that financial responsibility with a spouse or a partner.

As we celebrate Women's History Month, the courageous acts of the American heroines of 1913 should inspire us all to work to eliminate the gender inequalities that still exist in our society today. I join all Americans in celebrating the countless contributions of women to our Nation's history and culture and in working towards a more just and fair society for future generations of American women and girls.

REMEMBERING LORI ACTON

Mr. MCCONNELL. Madam President, it is with deep regret and grief that I inform my fellow senators of the passing of my personal friend, Lori Acton. Mrs. Acton was a dynamic and dedicated woman whose absence in the community of Laurel County will be immediately and acutely felt.

Lori is someone who cannot be replaced. As the executive director of the Laurel County Public Library, she was a passionate leader who was visionary without being reckless, infectiously funny without being frivolous, direct and driven without being rude or mean-spirited, and a tireless worker who fully enjoyed the life and work she participated in. Her work with the library spanned nearly three decades, but the impact of her influence and passion cannot be measured by the usual metrics. Indeed, as one local writer noted, ''what people like Lori mean to a community cannot be seen by those who do not know her.'' She revolutionized the library system through hiring a stellar staff, instituting new, creative, and interesting programs, and constantly improving every issue she addressed.

Lori made an impact on people's lives. Not only did the library benefit from her enthusiastic approach to fostering a love of reading and learning, but her very presence and constant smile became signatures of her community. Countless testimonies from those who knew her speak to what an incredible impact she had as both a librarian and a friend.

At this time, I ask that we join together with the community of Laurel County, KY, in mourning the loss of my friend Mrs. Lori Acton. I believe that others can aspire to emulate Lori's character, enthusiasm, love and involvement with the community she lived in.

I also ask unanimous consent that an article lauding Lori from the Laurel County-area publication the Sentinel Echo appear in today's RECORD.

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

[From the Sentinel Echo, January 30, 2013]

LAUREL LIBRARY DIRECTOR DIES MONDAY

(By Jeff Noble)

CORBIN.—For more than a quarter-century, Lori Acton gave people of all ages a window to the world and beyond by opening the doors to them at the Laurel County Public Library.

On Wednesday, her colleagues and friends remembered Acton as a passionate advocate for inspiring others through the library's staff, service, and outreach programs.

Acton, the library's district director since 1985, died Monday at her home in London. She was 57.

''The library was more than a job to Lori—it was her passion, and she worked tirelessly to make the library a place everyone could come and enjoy and learn. From babies to seniors, she wanted this library to offer whatever it could to enrich their lives and the community. We plan on working our hardest to make sure that Lori's vision to the future continues,'' the library's deputy director, Peggy Mershon, said Wednesday.

Another who knew Acton said she was the driving force in moving the library from its 4th Street location to its present home on College Park Drive in London, which opened in 2003.

''Her visionary leadership, enthusiasm, and energy have been pivotal in creating a model of what a library can become in the 21st century,'' said R. W. Dyche III, president of the Laurel County Public Library's Board of Trustees.

In a phone interview Wednesday, Dyche said two traits made Acton stand out above the crowd.

''Number one, she was full of enthusiasm. Lori pursued all goals with enthusiasm. It was her determination that led directly to the opening of the new library. Second, she had a lot of strengths. One of them was she was not afraid to hire extremely talented people to work for her. She'll be remembered as a very happy person, so pleased to help people in Laurel and surrounding areas with their educational needs.''

To honor her memory, the main library and their branches in Corbin and North London were closed Tuesday.

A picture of Acton, along with the dates of her birth and death in white letters over a black background, was posted on the home page of the library's website.

Kathryn Hardman was one of Acton's closest friends. Together the two worked on improving literacy in the county, and also were active in community activities as members of the London Rotary Club.

She said in a phone interview Wednesday the news of Acton's passing was still echoing over London and Laurel County.

''We're all pretty shocked. It's incomprehensible. She had a lot of friends in the community. She's been a vital part of our community for 28 years. The community mourns this loss,'' noted Hardman, who is the executive director of Laurel County Adult Education.

Hardman pointed out that because of Acton's direction, the library spearheaded the creation of the program in 1986 to promote adult literacy. Acton was also on the board of directors of the Saint Joseph London Foundation.

There were other roles in Acton's life. Hardman added, ''Her most significant role was as mother, wife, daughter, sister, and friend.''

''We've been having lunch for 25 years. We talked about our careers, our community, our nation, our families, and of course, politics. We both loved to talk about politics. It would be fair to say we both had strong opinions.''

Acton's role as a Rotary member was extensive. At the time of her passing, she was looking forward to working on the annual Rotary International Dinner, a project Acton had headed for the past five years, and is sponsored by both the London and Corbin Rotary Clubs.

That passion Acton had with the library extended to her planning the dinner and to helping worthy causes, said Corbin Rotary Club member the Rev. John Burkhart.

''Lori had a lot of energy, high spirits, and she laughed a lot. She was very polite, sociable, and was an extraordinary Rotarian. She was lively, she'd ask a lot of questions to the speakers, and was very actively involved. Lori wasn't a wallflower.''

Just before noon Wednesday, this message was posted on the library's Facebook page:

''Lori Acton had an unwavering passion for this library, always striving to give her community what she felt was needed and deserved. Her enthusiasm, leadership and commitment will be missed by all of us. Please remember her family and friends in your thoughts and prayers.''

Several who knew Acton responded in kind. One person wrote, ''Lori was a wonderful librarian and inspired me to become a librarian. I will miss seeing her on my visits home.''

Another said, ''I smile (through) my tears when I think of Lori. She just ALWAYS had a smile and a laugh when you saw her. Always making you feel real special. How I loved her passion for life.''

Lori Holzworth Acton was a native of Sterling, Colorado, located northeast of Denver near the Wyoming border. She is survived by her husband and four children. Her mother, two sisters, and a brother also survive. Visitation is at 11 a.m. Saturday at House-Rawlings Funeral Home in London, with funeral services Saturday at 1 p.m. in the funeral home's chapel with the Rev. Wade Arp officiating. Burial will follow at A.R. Dyche Memorial Cemetery in London, with House-Rawlings Funeral Home in charge of arrangements.

REMEMBERING JACK SIZEMORE

Mr. MCCONNELL. Madam President, I rise today to reflect on the loss of Mr. Jack Sizemore, an exemplary citizen of Kentucky and a genuinely good man. Mr. Sizemore, of Laurel County, was laid to rest on February 12, 2013, and is survived by his wife, 7 children, 20 grand-children, 16 great-grandchildren, and two sisters.

The words, ''let me tell you what Jack Sizemore did for me'' are commonly heard in Jack's beloved town of London, and represent just how sorely his presence will be missed. His legacy of goodwill is firmly established after years working in the Laurel County Detention Center, as he chose to build a reputation as a jailer who ''liked the job he was doing and [who] took care of the prisoners in a humane way and with the utmost courtesy.'' This testimony comes from his former supervisor Edd Parsley, who admits that ''you don't find many men like that.''

Jack was known to always have people laughing, and the community he loved so much has looked back and seen all the ways he touched their lives. The health problems that plagued his final years cannot begin to take attention away from his legacy and reputation.

At this time, I ask that my colleagues in this United States Senate join me in honoring Mr. Jack Sizemore. Along with our condolences to his friends and family, we simultaneously offer our gratitude and praise of this truly wonderful man.

I also ask unanimous consent that an article on the life and service of Mr. Jack Sizemore that appeared in the Laurel County-area publication the Sentinel Echo be included in the RECORD.

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

[From the Sentinel Echo, February 15, 2013]

FORMER JAILER REMEMBERED AS 'GOOD MAN'

(By Nita Johnson)

LAUREL COUNTY, KENTUCKY.—A former Laurel County jailer, chief administrator of the jail, and deputy sheriff was laid to rest on Tuesday after ongoing health problems.

Jack Sizemore, 76, died Saturday at his home from frontotemporal dementia, which left him unable to communicate with others. Sizemore left a legacy of goodwill for his family, friends and co-workers.

Edd Parsley worked with Sizemore after Parsley was appointed as jailer in 1997. Sizemore stayed on as chief administrator of the Laurel County Detention Center when Parsley was elected to a four-year term as jailer.

''Jack worked for me for six years as chief administrator of the jail, and he was one of those people that if you told him to do something, you could very well rest assured that he would carry it out,'' Parsley said. ''He liked the job he was doing and he took care of the prisoners in a humane way and with the utmost courtesy. You don't find many men like that.''

Describing Sizemore as ''a good man,'' Parsley reviewed Sizemore's background that made him invaluable at the jail.

''He was experienced in law enforcement. He was a deputy under several sheriffs,'' Parsley said. ''He realized what had to be done and did it. He served this county well as a jailer, chief administrator and deputy.''

Barb Rudder, who has worked in the booking department of the jail for nearly 20 years, said Sizemore was ''a good person to work with.''

''He always used to have people laughing and he would tell everyone that I was his babysitter.''

After Sizemore retired, Rudder said she visited him during his illness the past two years.

''It's a sad loss for the community and for his family,'' she said.

That loss is indeed sad for Madgel Miller, who was one of Sizemore's stepchildren.

''Jack was my stepdad, but we didn't use 'step' in our family,'' Miller said. ''He had seven kids, 20 grandchildren, 16 great-grandchildren, some of whom were step. But step was never considered in the family.''

Sizemore faced several health issues during the latter part of his life, Miller said, including a quadruple bypass in 2008.

''But he came through that very well and since he did, we were expecting him to have a long retirement.''

But other health problems came with the frontotemporal dementia, which affects one's communication skills.

''It is a rare form of dementia, but he and my mother never had a problem communicating,'' she said. ''He loved my mother unconditionally, and they had their own form of communicating.''

But the past several months had taken its toll on the former jailer, and Miller said by Christmas, Sizemore was very ill.

''He had a rapid decline from it [dementia]. Last week, he had a real hard time of it, and my mother made a doctor's appointment for him,'' Miller added. ''He was in the hospital Wednesday because the doctor said he was weak and dehydrated. But he was able to walk in the hospital. He went home Friday and had a good night with family, and some friends came over. He couldn't communicate with us. He died in his sleep that night, with Mom and me beside him.''

Choking back tears, Miller described Sizemore as a man with ''a good heart'' who was also ''very intelligent.''

Miller said many people had come to tell the family how Sizemore had touched their lives.

''It was good to hear people say, 'Let me tell you what Jack Sizemore did for me,' and it was stories that he never told. Jack was always telling stories, but these were about what he did for people,'' Miller said. ''I remember when I was going to college, he would tell me, 'This is a good place to raise kids. This is a good place to live.' He loved this town.''

Hearing the impact that her father had had on the people he dealt with during his lifetime, Miller said her opinion of Sizemore's goodwill towards others was reinforced.

''He was a very private person and didn't tell people about the dementia,'' she said. ''He knew how to handle people and how to keep his own life private and personal. We made the arrangements quickly because he would rather be remembered in better times. Knowing Jack Sizemore, he would have had it no other way.''

SHELBY COUNTY V. HOLDER

Mr. DURBIN. Madam President, in 2005, I was honored to join Congressman JOHN LEWIS on a trip to Selma, AL, for a ceremonial walk over the Edmund Pettus Bridge to mark the 40th anniversary of what has come to be known as ''Bloody Sunday.''

In March of 1965, Congressman LEWIS, Rev. Hosea Williams, and 600 other brave civil rights activists led a voting rights march over that bridge.

These courageous men, women, and children were marching for civil rights and voting rights. All they would receive that day, however, were beatings and bruises from police batons as they were turned back and chased down by State troopers.

A few days after ''Bloody Sunday,'' President Johnson addressed the Nation and called on the House and the Senate to pass the Voting Rights Act.

Shortly thereafter, the Voting Rights Act was signed into law, guaranteeing that the fundamental right to vote would never again be canceled out by clever schemes—like poll taxes and literacy tests—devised to keep African Americans from voting.

The Voting Rights Act is the cornerstone of the civil rights movement and one of the most effective laws on the books when it comes to protecting the right to vote for all Americans.

On Wednesday, the Supreme Court heard oral arguments in Shelby County v. Holder, a case challenging the constitutionality of section 5, which is the very heart of the Voting Rights Act.

That section requires jurisdictions in all or part of 16 States with a history of discrimination to get approval from the Department of Justice or a Federal court before making any changes to congressional districts or voting procedures.

This is not the first time that the Supreme Court has heard a challenge to the Voting Rights Act. Though it has been subject to four prior Supreme Court challenges, the Voting Rights Act has always emerged intact and on sound legal and constitutional ground.

Each of the four times that the Voting Rights Act has been reauthorized—in 1970, 1975, 1982, and most recently in 2006—Congress has done so with the broad bipartisan support and overwhelming majorities that are all too rare these days.

That is because protecting the right to vote should not be a partisan prerogative. It is not a Democratic or Republican issue. It is a fundamental right for every eligible voter, and it is a core value of our American democracy.

In 2006, the House of Representatives voted 390 to 33 in favor of reauthorizing the law. The Senate voted unanimously, 98 to 0, to reauthorize the law. And the final bill was signed into law by President George W. Bush.

There was good reason for this bipartisan support for reauthorizing the Voting Rights Act. Congress developed an extensive record, holding 21 hearings, reviewing more than 15,000 pages in the CONGRESSIONAL RECORD, and hearing from more than 90 witnesses about the need to reauthorize the law.

Conservative Republican Congressman JIM SENSENBRENNER is one example. Congressman SENSENBRENNER was the chairman of the House Judiciary Committee when Congress reauthorized the Voting Rights Act. He strongly believes that section 5 is constitutional, and he has filed a brief asking the Supreme Court to uphold the law.

My hope is that the Supreme Court will look at the extensive evidence Congress reviewed in 2006 and defer to the judgment of an overwhelming majority of the House and a unanimous Senate.

The Court should affirm the constitutionality of this critical tool for protecting the right to vote.

We all acknowledge the progress that our great country has made on civil rights and voting rights issues. The current occupant of 1600 Pennsylvania Ave., is a symbol and timely reminder that our Nation has indeed grown to be more perfect—and more inclusive in many ways—than just a few generations ago.

We are not yet, however, a perfect union. And some of the jurisdictions covered by the Voting Rights Act have both a demonstrated history and a contemporary record of implementing discriminatory restrictions on voting.

The Voting Rights Act has been essential in securing the progress we have made as a nation over the last five decades.

And as my Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights found during a series of hearings last Congress, the Voting Rights Act remains a relevant and critical tool in protecting the right to vote.

After a careful analysis of new voter ID laws in Texas and South Carolina, the Department of Justice used its authority under section 5 of the Voting Rights Act to object to the implementation of new photo identification requirements.

In Texas, according to the State's own data, more than 790,000 registered voters did not have the ID required to vote under the new Texas law.

That law would have had a disproportionate impact on Latino voters because 38.2 percent of registered Hispanic voters did not have the type of ID required by the law.

In South Carolina, the State's own data indicated that almost 240,000 registered voters did not have the identification required to vote under the State's new law.

That included 10 percent of all registered minorities in South Carolina who would not be able to vote under the new law.

That is more than 1 million registered voters who would have been turned away from the polls in Texas and South Carolina if the Department of Justice did not have the authority to object to those photo identification laws under the Voting Rights Act.

Opponents of the Voting Rights Act claim that some of the jurisdictions covered by the law should no longer be subject to it.

They rarely mention, however, that the Voting Rights Act itself contains a provision allowing jurisdictions to ''bail out'' or be excused from coverage under the law if they demonstrate compliance with the law for the previous 10 years.

In 2006, the Supreme Court clarified and expanded this bailout provision.

As a result, more than 190 jurisdictions have bailed out of coverage under the Voting Rights Act. The fact that so many jurisdictions have been excused from coverage under the law proves two very important points.

First, the Voting Rights Act is having its intended effect. States and localities that previously had a record of discriminating against minority voters are no longer doing so thanks to the scrutiny of the Voting Rights Act.

Second, the Voting Rights Act is not over-inclusive. Jurisdictions that can prove they are not discriminating—over a reasonable period of time—will be excused from coverage under the law.

The Voting Rights Act is not about who wins an election. It is not about political advantage. It is about ensuring that every eligible American can vote and that their vote will be counted.

As long as there continues to be evidence that some people are being denied the right to vote, we have an obligation to remedy that problem.

The Voting Rights Act has done its job of protecting the right to vote for almost 50 years. Congress did its job in 2006 by developing an extensive record and reauthorizing the law in an overwhelming and bipartisan manner.

It is my hope the Supreme Court will now do its job and affirm the constitutionality of this critical law.

SOUTHERN ILLINOIS TORNADO ONE-YEAR ANNIVERSARY

Mr. DURBIN. Madam President, this week marks the 1-year anniversary of the deadly tornado that devastated the towns of Harrisburg and Ridgway in Saline and Gallatin Counties.

I visited both of those towns right after the tornado.

I have seen my fair share of tornado damage in my life. But when I visited Harrisburg and Ridgway, I saw some things I have never seen before. I expected to see some trees blown down and shingles torn off roofs. Instead, I saw entire houses lifted from their concrete foundation and tossed on top of the neighboring house.

The loss of homes and property was really difficult to bear, but the real tragedy lies in the lives that were claimed by this tornado. Eight people died as a result of this violent storm: Randy Rann, Donna Rann, Jaylynn Ferrell, Mary Osman, Linda Hull, Greg Swierk, Don Smith and R. Blaine Mauney.

But despite this incredible loss, when I visited Harrisburg and Ridgway, what I didn't see were broken spirits. Instead, from the very minute this disaster took place, people came together to rebuild the community. The outpouring of support was amazing almost 6,000 people pitched in before it was all over.

And I can't say enough about the tireless efforts the emergency personnel who were there from the minute that the sirens went off. They were there to help under the most extraordinary circumstances.

I went to Harrisburg 5 weeks after my first visit and I was amazed at how much better the community looked.

Today, both communities have made incredible progress moving forward, thanks again to everyone engaged in the rescue and cleanup at every level, and during this entire past year.

I also want to recognize the hard work and dedication of: Jonathan Monken, head of the Illinois Emergency Management Agency; Eric Gregg, Mayor of Harrisburg; Becky Mitchell, Mayor of Ridgway; State Senator Gary Forby; and State Representative Brandon Phelps. They were there when their constituents and their communities needed them the most.

Today, when I see how much the residents of Harrisburg and Ridgway have done to rebuild their communities over the past year, I am proud to be from Illinois and proud to be part of this great Nation.

TRIBUTE TO DIANNE JONES

Mr. DURBIN. Madam President, I rise today to pay tribute to a friend and exceptional Illinoisan who recently passed away.

In 1949, a young woman from New York moved to Chicago to attend college at Roosevelt University. Her name was Dianne Jones, and she stayed for the next 63 years.

After graduating from Roosevelt, Dianne decided she wanted to teach, and she began planting her roots in the civil rights and labor communities. Along with her husband Linzey, she fought for civil rights and equality by helping to organize two Chicago-area chapters of the NAACP. Dianne then led the successful effort to desegregate the city's Rainbow Beach, and she even attended the 1963 March on Washington where Martin Luther King, Jr. delivered his famous ''I Have a Dream'' speech.

As a teacher, Dianne established herself as an advocate for educators and children by helping to found one of the first teachers unions in Illinois. She later served as that union's local president, as well as vice president of the Illinois Federation of Teachers. As a teacher and an advocate, Dianne spent her life fighting to promote equality, justice, civil rights and education in Illinois. And she enjoyed it.

Once, when asked about her career, Dianne said, ''Everyone should get to work at what they would volunteer to do.''

Dianne Jones was one of the lucky people who got to do just that. Those roots that she planted 50 years ago have continued to grow and multiply ever since.

COMMITTEE ON APPROPRIATIONS

RULES OF PROCEDURE

Ms. MIKULSKI. Madam President, the Senate Appropriations Committee has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator SHELBY, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

SENATE COMMITTEE ON APPROPRIATIONS
COMMITTEE RULES—113TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of

sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

SPECIAL COMMITTEE ON AGING

RULES OF PROCEDURE

Mr. NELSON. Madam President, the Special Committee on Aging has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Special Committee on Aging be printed in the RECORD.

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

SPECIAL COMMITTEE ON AGING

JURISDICTION AND AUTHORITY

S. Res. 4, § 104, 95th Congress, 1st Session (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once a year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. *Meetings*. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. *Notice and Agenda:*

(a) *Written or Electronic Notice*. The Chairman shall give the Members written or electronic notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) *Shortened Notice*. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. *Presiding Officer*. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. *Notice*. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. *Presiding Officer*. The Chairman shall preside over the conduct of a hearing when present, or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. *Witnesses*. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. *Oath*. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. *Testimony*. At least 48 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than five minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 40 copies of such statement with the clerk of the Committee 48 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. *Counsel*. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. *Transcript*. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious

errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. *Impugned Persons*. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. *Minority Witnesses*. Whenever any hearing is conducted by the Committee, the Ranking Member shall be entitled to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. *Conduct of Witnesses, Counsel and Members of the Audience*. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. *Procedure*. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. *Witness Request*. Any witness called for a hearing may submit a written or an electronic request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. *Confidential Matter*. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. *Control*. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. *Request*. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. *Reporting*. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. *Committee Business*. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. *Hearings*. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. *Polling:*

(a) *Subjects*. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) Committee rules changes and (3) other Committee business which has been designated for polling at a meeting.

(b) *Procedure*. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. *Authorization for Investigations*. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. *Subpoenas*. The Chairman and Ranking Minority Member, acting together, shall authorize a subpoena. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. *Investigative Reports*. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. *Notice*. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. *Counsel*. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. *Procedure*. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. *Filing*. The Committee staff shall see that the testimony is transcribed or electronically recorded.

5. *Commissions*. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. *Establishment*. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. *Jurisdiction*. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. *Rules*. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed or via polling, subject to Rule V (4)

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

RULES OF PROCEDURE

Mr. CARPER. Madam President, Senate Standing rule XXVI requires each committee to adopt rules to govern the

procedure of the committee and to publish those rules in the RECORD not later than March 1 of the first year of each Congress. On February 28, 2013, a majority of the members of the Homeland Security and Governmental Affairs Committee's Subcommittee on Financial and Contracting Management adopted subcommittee rules of procedure.

Consistent with Standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Financial and Contracting Oversight.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.—For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present. Proxies shall not be considered for the establishment of a quorum.

(3) TAKING TESTIMONY.—All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

(4) SUBCOMMITTEE SUBPOENAS.—Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with the approval of the Ranking Minority Member of the Subcommittee, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 24 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

RULES OF PROCEDURE

Mr. CARPER. Madam President, Senate Standing rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the RECORD not later than March 1 of the first year of each Congress. On February 27, 2013, a majority of the members of the Homeland Security and Governmental Affairs Committee's Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce adopted subcommittee rules of procedure.

Consistent with Standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

RULES OF PROCEDURE

Mr. CARPER. Madam President, Senate Standing rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the RECORD not later than March 1 of the first year of each Congress. On February 27, 2013, a majority of the members of the Homeland Security and Governmental Affairs Committee's Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia adopted subcommittee rules of procedure.

Consistent with Standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

RULES OF PROCEDURE

Mr. CARPER. Madam President, Senate Standing rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the RECORD not later than March 1 of the first year of each Congress. On February 27, 2013, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with Standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

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

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a Majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the Minority counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all Members.

No public hearing shall be held if the Minority Members unanimously object, unless the full Committee on Homeland Security and Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter

to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff members and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the Minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

DOD APPROPRIATIONS

Ms. COLLINS. Madam President, I rise to discuss an amendment I have filed to the bills dealing with sequestration. I am pleased that Senator KING has joined me as a cosponsor.

Our amendment is the fiscal year 2013 Department of Defense appropriations bill that was approved by the Senate Appropriations Committee by a bipartisan vote of 30 to 0 on August 2, 2012.

There is no doubt we must find a way to avoid the meat-ax approach to budgeting that will occur under sequestration.

At the same time, we must recognize that a continuing resolution also presents real challenges for those trying to carry out the necessary functions of the Federal Government, including providing for the national defense. Continuing resolutions have become far too routine. This familiarity, however, should not blind us from the harm these stop-gap measures cause to the effective and efficient functioning of government.

A yearlong continuing resolution would be just as devastating as sequestration. I am not alone in that judgment. After a New York Times editorial that claimed the Pentagon can easily absorb the cuts of sequestration, Deputy Secretary of Defense Ash Carter wrote the following in a letter published on February 27, 2013:

> Good management is undermined by sequestration and by something that your editorial does not mention but that is as much of a problem—the fact that we have no new appropriations bills and are living under last year's law. These two factors together lead to dangerous absurdities like having to curtail soldiers' training, ships' sailing, and airplanes' flying. Our military will therefore not be fully ready to meet contingencies other than Afghanistan.

Secretary of Defense Leon Panetta and the service chiefs have also repeatedly warned that the effects of sequestration or a yearlong continuing resolution will be devastating to our national security and defense industrial base.

On January 14, 2013, the Chairman of the Joint Chiefs of Staff and the heads of each military service signed a letter warning that ''the readiness of our Armed Forces is at a tipping point'' and the unfolding budget conditions, including the continuing resolution, are causing this readiness crisis.

Regardless of what happens with sequestration, a continuing resolution presents two major problems.

First, the readiness of our military will be put at risk unless the Department of Defense is able to transfer funds from investment accounts into readiness accounts. Under the continuing resolution, the Department cannot do this. That is why the letter signed by seven four-star generals said the current budget uncertainty will ''inevitably lead to a hollow force.''

Second, a yearlong continuing resolution prevents the Pentagon from performing three responsibilities crucial for national security: increasing production rates for existing weapons, starting new programs not previously funded the year before, and signing multiyear procurement contracts that provide significant savings while reducing the unit cost for taxpayers.

There are several examples of these multiyear procurement contracts that cannot move forward without an appropriations bill. For example, Congress authorized the Navy to procure 10 destroyers during the next 5 years in the Fiscal Year 2013 National Defense Authorization Act. The Navy has the bids for these ships in hand and the Navy is

ready to sign, but the Navy cannot sign these contracts without an appropriations bill. We risk throwing away savings on the order of hundreds of millions of dollars if we do not enact the fiscal year 2013 appropriations bill.

The ramifications of inaction on a full-year appropriations bill are not limited to the 6 months remaining in this fiscal year. Failing to enact a full-year appropriations bill that allows new starts and cost-saving multiyear procurement contracts will jeopardize the long-term stability in the shipbuilding industrial base that the Congress and the Navy have worked long and hard to preserve.

When I questioned Deputy Secretary Carter on February 14, 2013, at a Senate Appropriations Committee hearing about what the continuing resolution means for shipbuilding, he testified that ''we're in the absurd position where we're five months into the fiscal year and we have the authority to build the ships that we built last year and no authority to build the ships that we plan to build this year. That's crazy. . . And that has nothing to do with sequester, by the way, that's the C.R.''

The existing continuing resolution expires on March 27. That deadline is just 4 weeks away, but each week that passes puts our military increasingly at risk and makes it less prepared.

I know the chairwoman of the Senate Appropriations Committee and its ranking member, Senator MIKULSKI and Senator SHELBY, share my concern that continuing resolutions are not the way to govern. I am also encouraged about reports that the House of Representatives may consider a bill next week which includes a full-year defense and a full-year veterans affairs and military construction budget.

At least as far back as 1974, Congress has never failed to pass a Department of Defense appropriations bill. Now is not the time, with troops in the field and the looming threat of sequestration, to establish a dangerous precedent of denying our military services the support they need to accomplish the mission we have asked them to perform.

This year's continuing resolution hurts our military readiness now and, even more, in the future.

It is time to show the American people that we can act responsibly before the very last minute. The men and women who serve our country are performing every task we have asked of them. It is long overdue for the Congress to do the same, so I urge the Senate to act to replace the current CR with a full-year Department of Defense appropriations bill as our amendment would provide.

TRIBUTE TO RICHARD D. DEBOBES

Mr. MCCAIN. Madam President, today I honor an exceptional public servant and patriot. After a lifetime of service to our Nation, Richard D. ''Rick'' DeBobes is retiring from his position as staff director of the Senate Armed Services Committee, effective February 28, 2013. On this occasion, it is fitting to recognize Rick's 50 years of uniformed and civilian service to our Nation.

Rick began his career as a naval officer, serving 26 exemplary years in jobs that included directing the International Negotiations Branch of the Navy's Judge Advocate General, commanding the Naval Legal Service Office, and finally serving as the legal adviser and legislative assistant to the Chairman of the Joint Chiefs of Staff, where he helped craft policies that have shaped our modern joint military force. Such a career, in and of itself, illustrates a commitment to causes greater than self-interest.

Rick's devotion to service and excellence continued long after he left active duty. Upon his retirement from the Navy, he joined the Senate Armed Services Committee as counsel, advising committee members on issues relating to national security strategy, defense policy, foreign affairs, and Department of Defense organization and management. Rick's authoritative analysis and counsel to members distilled complex issues and often served as a basis for common understanding and problem solving. Few were surprised then, when in 2003 he was asked by Senator CARL LEVIN to be the committee's staff director. Ten years on, the wisdom of that selection is evident. Rick's steady management of the committee, amidst strong personalities and throughout the occasionally animated policy debates, has yielded the admiration of his professional colleagues in Congress and the Department of Defense, and a long record of legislative success. Thoughtful leaders throughout government will feel his absence.

I join many past and present members of the Senate Armed Services Committee in my gratitude to Rick DeBobes for his outstanding leadership in uniform and in Congress, and his unceasing support for members of the Armed Forces. I wish him and his wife Margaret ''fair winds and following seas.''

RETIREMENT OF WAYNE LEONARD

Ms. LANDRIEU. Mr. President, I rise today to honor Wayne Leonard, who served as Entergy's chief executive officer from 1999 and chairman/CEO from 2006 until January 2013. Over the course of those years, his visionary leadership as Entergy's top executive also encompassed impassioned advocacy for issues such as climate change, poverty and social justice. To a great extent, his compassion for people from all walks of life and his desire to protect the environment for future generations came to define his tenure at Entergy.

When Leonard was named CEO in 1999, he began calling for action by business, community, and political leaders to break the cycle of poverty that has stunted economic growth in the mid-South region for generations. Since that time, Entergy has donated more than $50 million to charitable initiatives and advocacy efforts that successfully helped move low-income residents toward self-sufficiency. Among them were campaigns to improve early childhood education programs and financial support of a matched-savings program that has helped 19,000 people and created an economic impact of $69 million over the last decade.

Leonard pioneered the pursuit of sustainability within his industry. Early on, he recognized the importance to the industry's future of operating in an economically, environmentally, and socially sustainable manner. His achievements include a number of landmarks that set the standard and shaped the future for the energy industry. Under his leadership, in 2001 Entergy became the first utility in the United States to commit to voluntarily reduce greenhouse gas emissions. At the same time, work force safety, customer satisfaction, and strong regulatory relationships were always top priorities for Leonard. Entergy has delivered top-quartile shareholder return—the overarching financial goal Leonard set for the company—since he was announced as CEO in 1998.

After the devastation of Hurricane Katrina in 2005, Leonard led the restoration not just of a company but also a city and its surrounding region. Entergy and its charitable foundation donated more than $20 million to nonprofits working to rebuild the physical, intellectual, and cultural assets of New Orleans. When Katrina's damages prompted Entergy to consider relocating its corporate headquarters, Leonard lobbied to keep Entergy in New Orleans and take a lead role in the city's revitalization and renewal.

Leonard has personally received numerous national honors in recognition of his outstanding leadership, including Platts Global Energy CEO of the Year, the Anti-Defamation League Torch of Liberty Award, and the National Wildlife Federation Achievement Award. During his tenure, Entergy was named to the Dow Jones Sustainability Index for 11 consecutive years for demonstrating strong financial performance and outstanding leadership in environmental and social commitment.

Leonard's passionate commitment to building a strong, sustainable company, community, and energy industry never wavered in 14 years. In honor of his legacy, Entergy endowed a $5 million charitable fund upon his retirement to continue his work on climate change, poverty, and social justice issues. The fund is being endowed through shareholder-funded donations to the Entergy Charitable Foundation, with Leonard serving as an adviser.

While I will miss working with Wayne to improve both New Orleans and Louisiana, I applaud the work he has done to leave my city and my State stronger, healthier, and on the path to a brighter future.

Mr. CASEY. Mr. President, today I rise to honor and remember the full life of Marlene ''Linny'' Fowler for her exceptional service to her community, commonwealth and country.

Marlene was born in New York City, the oldest child of Harold and Miriam Oberkotter. Though she was raised in Harrington Park, NJ, Marlene spent her adult life living in Pennsylvania. Marlene, known affectionately as Linny, was a renowned philanthropist, artist and a pillar of her adopted community. Today I wish to honor her as such.

As a philanthropist, her influence can been seen across Northeast Pennsylvania, particularly in Bethlehem, the city she had called home since 1965. Upon the passing of her father Harold, a late UPS chief executive, Marlene became one of the wealthiest individuals in the Lehigh Valley. Choosing to eschew large homes or fancy cars, Marlene instead gave generously to support the arts, education and children. She helped to establish a childcare center and Hispanic Youth Center at Northampton County Community College as well as the college's Southside campus, which proudly bears her family name. Her generosity also helped send hundreds of students to colleges and universities that they would otherwise have been unable to afford to attend. Even with her health failing, Marlene worked hard to maintain her involvement with the community up until her passing. Although she kept the total of her generosity a secret, by her own admission she gave away tens of millions of dollars over the course of her life.

As an artist, Marlene was trained in the art of stained glass, which she taught throughout her life. She also maintained a studio at the Banana Factory in Bethlehem, an institution she helped fund. As a pillar of her community, Marlene made sure her philanthropic efforts always had a human touch. She met with needy families and non-profit directors in the living room of her own home, investing herself as much as her money. Even as recent economic difficulties forced her to scale back some of her giving, she still continued to keep track of all the youth she helped send to school.

As Marlene's family and friends mourn her loss, I pray that they will be comforted by the knowledge that this great Nation will never forget the generosity of Marlene ''Linny'' Fowler. May she rest in peace.

ADDITIONAL STATEMENTS

STEM EDUCATION

• Mrs. BOXER. Madam President, I rise today to speak about the great work that afterschool and summer learning programs in California and across the country are doing to engage children and youth in science, technology, engineering, and mathematics, STEM, education.

Afterschool and summer programs are a vital part of our country's education tapestry. They provide engaging, hands-on learning experiences that stimulate student interest, develop crucial skills, and drive home the relevance of STEM to our daily lives. Out-of-school learning opportunities help children develop the academic and life skills, such as problem-solving and determination, which are crucial in STEM fields. Additionally, these programs provide key opportunities for mentors and role models to engage with children.

High-quality afterschool STEM learning programs are having a significant impact on the young people who participate in them. A recent study shows participants in afterschool and summer programs have improved attitudes toward STEM fields and careers, increased STEM capacities and skills, and a higher likelihood of graduating from high school and pursuing a STEM major in college.

One of these exemplary programs is the Woodcraft Rangers Program in Los Angeles, CA. Woodcraft Rangers exposes middle school students to cutting-edge STEM activities, including robotics. This highly engaging program allows students to configure high-tech robotics, enhancing their STEM skills, unlocking their imaginations, and exposing them to real-world problem-solving situations. Afterschool and summer programs are uniquely positioned to deliver valuable enrichment activities like robotics that help children gain valuable creativity, critical thinking, and team-building skills.

In addition to programs that serve children and youth directly, organizations such as the Afterschool Alliance are working to advance policies, research, and partnerships so that all children can access rich STEM education experiences through out-of-school programs.

Private companies are also embarking on efforts, such as Time Warner Cable's Connect a Million Minds, CAMM, initiative, to promote youth interest and performance in STEM fields during out-of-school time. Businesses like Time Warner Cable know that investing in STEM education now helps ensure a robust workforce in the future, and they know that afterschool, summer, and other out-of-school programs are key venues for students to develop the problem-solving, team-building, and creative thinking skills necessary for a strong STEM workforce.

I applaud the afterschool and summer learning programs, advocacy organizations, and community partnerships across the country that are working to advance our students' STEM achievement and our country's future through enriching out-of-school learning. To support the work of these organizations, I hope that the Senate can come together to reauthorize the 21st Century Community Learning Centers Program—the only Federal program dedicated to supporting afterschool and summer learning.•

TRIBUTE TO JIM SYMINGTON

• Mrs. MCCASKILL. Madam President, I ask the Senate to join me today in honoring the work of Jim Symington, a friend and dedicated public servant who is retiring this year. In the summer of 1974 I came to Washington as an intern for Congressman Jim Symington. That experience, and the lessons I learned from this great leader were instrumental in my success as a political candidate and public official.

As a member of a family steeped in public service, and as the son of the great United States Senator Stuart Symington, Jim did not hesitate to take up the mantle of serving his country. Jim started his career serving others when he enlisted in the Marine Corps as a high school graduate. Following his military service, Jim earned his Bachelor's degree from Yale University and his law degree from Columbia Law School.

Jim served for 2 years following law school as the assistant city counselor for St. Louis before going into private practice. In 1958, Jim entered the Foreign Service where he served as assistant to the United States ambassador for the United Kingdom. Upon his return to Washington, DC Jim served our Government in various positions including administrative assistant to Attorney General Robert Kennedy and the Chief of Protocol for the Department of State.

In 1968 Jim was elected to represent St. Louis, Missouri's 2nd Congressional District, where he served four terms. During his time in Congress, Jim served on the House Commerce Committee and the Committee on Science and Technology. He also served as the chair of the Subcommittees on Space Science and Applications; Science, Research & Technology; and International Cooperation. He was an active voice on space exploration during a time when space exploration was a central topic. Upon leaving Congress in 1977, Jim returned to private law practice, and has had a distinguished legal career at Nossaman LLP/O'Connor & Hannan here in Washington, DC.

However Jim Symington has never been an ordinary practicing lawyer. He and his wife Sylvia have been friends, mentors, and highly respected members of a small group of true leaders in our America's Capitol for many years. They are always in high demand as dinner partners or leaders of a civic endeavor. Together, their wit, intelligence, and musical prowess has constantly reminded the most powerful in our Nation that there is always more to learn and it is very dangerous to take yourself too seriously.

It is my honor to call Jim a mentor and friend. Like no other man I know, I also realize that the number of people who count on his friendship would be a record for a town where Harry Truman famously noted that if you wanted a friend you should turn to a canine. I am thankful for his friendship, advice and service to Missouri and this great

country. While these comments mark his retirement from the practice of law, I'm confident that he will continue to be a bright light of intellect, humor, and friendship for many years to come in our Nation's Capital.

I ask that the Senate join me in honoring Jim Symington on this occasion of his retirement from the practice of law.●

ALASKA LEGISLATURE CENTENNIAL

● Ms. MURKOWSKI. Madam President, I rise today to mark a significant event in Alaska's history as we commemorate the 100th anniversary of the convening of the Alaska State Legislature.

Compared to the States that my colleagues represent, Alaska is a relatively young State, so it is remarkable that our legislature has existed for only 100 years. However, creating our State's legislative body was not an easy process. Secretary of State William H. Seward acquired Alaska from Russia for $7,200,000 on March 30, 1867. The First Organic Act of 1884 established the District of Alaska and provided us with a Governor and judicial branch but no legislative body to be the people's voice. It was not until after several petitions by Alaskans of all backgrounds that Congress passed the Second Organic Act giving Alaska territorial status and a legislative body. Our first elections were held November 12, 1912. They produced the first of many civil servants who would have the honor to serve in the Alaska Legislature. We did not yet have a capitol building, so eight senators and 16 representatives convened at the Elk's Lodge in Juneau, AK. That year, the first territorial legislature passed 83 laws—laws that began building our State and uniting us as Alaskans.

While Alaska may have been just a territory and seen by many as a vast wilderness separated from the rest of the country, our territorial legislature led the Nation in passing the first law in the Nation giving women the right to vote. This was 1913. The 19th amendment wouldn't be ratified for another 7 long years. The great Nell Scott was the first woman to serve in the first territorial legislature, way before other daughters of this country would. The territorial legislature also led the nation in the civil rights movement as it passed an antidiscrimination bill providing for full and equal enjoyment of public accommodations for all Alaskans. It is noteworthy that before statehood, Alaska's Legislature acted in response to the passionate advocacy of Roy and Elizabeth Peratrovich long before Congress would on Dr. Martin Luther King and Rosa Parks' advocacy. Before a territorial referendum in 1946 that began the legal quest for statehood, the Alaska Legislature had been advocating admission as early as 1913.

This past January, the 28th Session of the Alaska State Legislature convened, consisting of 20 senators and 40 representatives. Under house speaker Mike Chenault, and senate president Charlie Huggins, they continue to provide representation to an estimated 731,449 residents of Alaska. The Alaska Legislature has worked for the past 100 years to give Alaskans the opportunity to enjoy life, liberty, and the pursuit of happiness, and they will continue to do so for the many years to come. I extend my congratulations and heartfelt appreciation to the senators and representatives as well as all support staff to our legislature on this special anniversary.●

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 47. An act to reauthorize the Violence Against Women Act of 1994.

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2013, the Speaker appoints the following Member on the part of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. SMITH of New Jersey, Co-Chairman.

The message further announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI of Wisconsin, Mr. CRENSHAW of Florida, Mr. LATTA of Ohio, Mr. ADERHOLT of Alabama, and Mr. WHITFIELD of Kentucky.

The message also announced that pursuant to section 3166(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), and the order of the House of January 3, 2013, the Speaker appoints the following individual on the part of the House of Representatives to the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise: Ms. Heather Wilson of Albuquerque, New Mexico.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–505. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March 2013 (corrected)'' (Rev. Rul. 2013–7) received in the Office of the President of the Senate on February 26, 2013; to the Committee on Finance.

EC–506. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dual-Use Notice'' (Notice 2013–13) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Finance.

EC–507. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Temporary Shelter for Individuals Displaced by Hurricane Sandy'' (Notice 2013–9) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Finance.

EC–508. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2013 Census Counts for Sections 42(h) and 146'' (Notice 2013–15) received in the Office of the President of the Senate on February 13, 2013; to the Committee on Finance.

EC–509. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''25 Year Average Segment Rates and Adjusted 24-Month Average Segment Rates Used for Pension Funding for Plan Years Beginning in 2013'' (Notice 2013–11) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Finance.

EC–510. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Permitted Disparity in Employer-Provided Contributions or Benefits'' (Rev. Rul. 2013–2) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Finance.

EC–511. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Eurex Deutschland'' (Rev. Rul. 2013–5) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Finance.

EC–512. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March'' (Rev. Rul. 2013–7) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2013; to the Committee on Finance.

EC–513. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Notice 2000–45'' (Rev. Proc. 2013–20) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2013; to the Committee on Finance.

EC–514. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of List of Plants, Grown in Commercial Quantities in the United States, Having a Preproductive Period in Excess of Two Years Based on the Nationwide Weighted Average Preproductive Period for Such Plant'' (Notice 2013–18) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2013; to the Committee on Finance.

EC–515. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revised Exhibit:

Sample Notice to Interested Parties'' (Announcement 2013–15) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2013; to the Committee on Finance.

EC–516. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Port Limits of Green Bay, WI'' (CBP Dec. 13–2) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Finance.

EC–517. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U. S. Agency for International Development (USAID), transmitting, pursuant to law, a report responding to a GAO report entitled ''Agencies Could Benefit from a Shared and More Comprehensive Database on U.S. Efforts''; to the Committee on Foreign Relations.

EC–518. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–010); to the Committee on Foreign Relations.

EC–519. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Azerbaijan; to the Committee on Foreign Relations.

EC–520. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report certifying for fiscal year 2013 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization; to the Committee on Foreign Relations.

EC–521. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period October 1, 2012 through November 30, 2012; to the Committee on Foreign Relations.

EC–522. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–001); to the Committee on Foreign Relations.

EC–523. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–020); to the Committee on Foreign Relations.

EC–524. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–021); to the Committee on Foreign Relations.

EC–525. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–006); to the Committee on Foreign Relations.

EC–526. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–013); to the Committee on Foreign Relations.

EC–527. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–025); to the Committee on Foreign Relations.

EC–528. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 13–007); to the Committee on Foreign Relations.

EC–529. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0014—2013–0031); to the Committee on Foreign Relations.

EC–530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Generic Drug User Fee Act for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–532. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Developmental Disabilities Programs for fiscal years 2009–2010; to the Committee on Health, Education, Labor, and Pensions.

EC–533. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act (PDUFA) for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–534. A communication from the Chair, Advisory Council on Alzheimer's Research, Care, and Services, transmitting, pursuant to law, a report that includes recommendations for improving federally and privately funded Alzheimer's programs; to the Committee on Health, Education, Labor, and Pensions.

EC–535. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, (2) two reports relative to vacancies in the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–536. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Reorganization and Delegation of Authority; Technical Amendments'' received in the Office of the President of the Senate on February 13, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–537. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases; Foreign—Requirements for Importers of Nonhuman Primates (NHP)'' (RIN0920–AA23) received in the Office of the President of the Senate on February 14, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–538. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases: Interstate; Scope and Definitions'' (RIN0920–AA22) received in the Office of the President of the Senate on February 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–539. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases: Foreign; Scope and Definitions'' (RIN0920–AA12) received in the Office of the President of the Senate on February 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–540. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Assistance to States for the Education of Children With Disabilities'' (RIN1820–AB64) received on February 27, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–541. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States''; to the Committee on the Judiciary.

EC–542. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Refugee Resettlement Program for Fiscal Year 2009''; to the Committee on the Judiciary.

EC–543. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Indiana Uplands Viticultural Area and Modification of the Ohio Valley Viticultural Area'' (RIN1513–AB46) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2013; to the Committee on the Judiciary.

EC–544. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Elkton Oregon Viticultural Area'' (RIN1513–AB88) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2013; to the Committee on the Judiciary.

EC–545. A communication from the Acting Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Exemption of Privacy Act System of Records of the Department of Justice, Bureau of Prisons, Inmate Central Records System (JUSTICE/BOP–005)''' (CPCLO Order No. 001–2013) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2013; to the Committee on the Judiciary.

EC–546. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes To Implement the First Inventor To File Provisions of the Leahy-Smith America Invents Act'' (RIN0651–AC77) received during adjournment of the Senate

in the Office of the President of the Senate on February 15, 2013; to the Committee on the Judiciary.

EC–547. A communication from the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2012; to the Committee on Veterans' Affairs.

EC–548. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Grants for the Rural Veterans Coordination Pilot (RVCP)'' (RIN2900–AO35) received in the Office of the President of the Senate on February 25, 2013; to the Committee on Veterans' Affairs.

EC–549. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Homeless Providers Grant and Per Diem Program'' (RIN2900–AN81) received in the Office of the President of the Senate on February 25, 2013; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 64. An original resolution authorizing expenditures by committees of the Senate for the period March 1, 2013, through September 30, 2013.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Shelly Deckert Dick, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California.

Nelson Stephen Roman, of New York, to be United States District Judge for the Southern District of New York.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, and Mr. WICKER):

S. 399. A bill to protect American job creation by striking the Federal mandate on employers to offer health insurance; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. MERKLEY):

S. 400. A bill to amend the Federal Lands Recreation Enhancement Act to include the Corps of Engineers as a Federal land management agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. COONS, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. BROWN, Mr. REED, Mr. KING, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. COWAN, Mr. CARDIN, and Ms. WARREN):

S. 401. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 402. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

By Mr. CASEY (for himself and Mr. KIRK):

S. 403. A bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 404. A bill to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CORNYN, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 405. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. HARKIN, Mr. ROCKEFELLER, and Mr. DURBIN):

S. 406. A bill to amend the Higher Education Act of 1965 to provide for new program review requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Ms. LANDRIEU, and Ms. KLOBUCHAR):

S. 407. A bill to provide funding for construction and major rehabilitation for projects located on inland and intracoastal waterways of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. REED, and Mr. WHITEHOUSE):

S. 408. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

By Mr. BURR (for himself and Mrs. BOXER):

S. 409. A bill to add Vietnam Veterans Day as a patriotic and national observance; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 410. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. WYDEN, and Mr. MORAN):

S. 411. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. CHAMBLISS, Mr. MURPHY, Mr. VITTER, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. HEINRICH, Mr. LAUTENBERG, Ms. WARREN, Ms. HIRONO, Mr. ISAKSON, Mr. NELSON, Mr. BLUMENTHAL, and Mr. COWAN):

S. 412. A bill to authorize certain major medical facility leases for the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. PORTMAN, and Ms. KLOBUCHAR):

S. 413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

By Mr. NELSON:

S. 414. A bill to amend the Water Resources Development Act of 2000 to provide for expedited project implementation relating to the comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mrs. GILLIBRAND, and Mr. PRYOR):

S. 415. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 416. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. COBURN (for himself and Mrs. SHAHEEN):

S. 417. A bill to reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself and Mr. BLUMENTHAL):

S. 418. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 419. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

By Mr. ENZI (for himself and Mr. TESTER):

S. 420. A bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. CORKER, and Mr. PAUL):

S. 421. A bill to prohibit the Corps of Engineers from taking any action to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Mr. MORAN, Mr. BROWN, Mr. GRASSLEY, Mr. HARKIN, Mr. SCHUMER, Mr. TESTER, and Mr. WHITEHOUSE):

S. 422. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 423. A bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. WICKER, Mr. BLUMENTHAL, Mr. BLUNT, Ms. COLLINS, Mr. PORTMAN, and Mr. WHITEHOUSE):

S. 424. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. GRASSLEY, Ms. CANTWELL, and Mr. MENENDEZ):

S. 425. A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 426. A bill to amend the Public Health Service Act to provide for the participation of particular specialists determined by the Secretary of Health and Human Services to be directly related to the health needs stemming from environmental health hazards that have led to its declaration as a Public Health Emergency to be eligible under the National Health Service Corps in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Mr. PRYOR, Mr. MORAN, Mr. COATS, Mr. ROBERTS, Mr. THUNE, and Mr. INHOFE):

S. 427. A bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in meeting certain nutritional requirements for the school lunch and breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BEGICH:

S. 428. A bill to expedite the development of Arctic deepwater ports and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON (for himself, Mr. BLUNT, Mr. MANCHIN, and Mrs. MCCASKILL):

S. 429. A bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER (for himself and Mr. MANCHIN):

S. 430. A bill to amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 431. A bill to authorize preferential treatment for certain imports from Nepal, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 432. A bill to extend certain trade preferences to certain least-developed countries in Asia and the South Pacific, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. KIRK):

S. 433. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TOOMEY (for himself and Mr. CASEY):

S. Res. 63. A resolution encouraging the Navy to commission the USS Somerset (LPD–25) in Philadelphia, Pennsylvania; to the Committee on Armed Services.

By Mr. SCHUMER:

S. Res. 64. An original resolution authorizing expenditures by committees of the Senate for the period March 1, 2013, through September 30, 2013; from the Committee on Rules and Administration; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. MENENDEZ, Ms. AYOTTE, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. RUBIO, Mr. CASEY, Mr. HOEVEN, Mrs. GILLIBRAND, Mr. KIRK, Mr. BLUMENTHAL, Mr. CRAPO, Mr. CARDIN, Ms. COLLINS, Mr. BEGICH, Mr. BLUNT, Mr. BROWN, Mr. WYDEN, Mr. PORTMAN, Mr. MANCHIN, and Mr. LAUTENBERG):

S. Res. 65. A resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself, Mr. TESTER, Mrs. BOXER, Mrs. MURRAY, Mr. REID, Mr. DURBIN, and Mr. ISAKSON):

S. Res. 66. A resolution designating the first week of April 2013 as ''National Asbestos Awareness Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 16, a bill to provide for a sequester replacement.

S. 19

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 19, a bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements.

S. 113

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 113, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S. 119

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 210

At the request of Mr. HELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 210, a bill to amend title 18, United States Code, with respect to fraudulent representations about having received military declarations or medals.

S. 226

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 226, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 240

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 240, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 254

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 254, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 294

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 296

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 309

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 315

At the request of Ms. KLOBUCHAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 315, a bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 320

At the request of Mr. JOHANNS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 320, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of agency guidance documents.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 345

At the request of Mrs. SHAHEEN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 345, a bill to reform the Federal sugar program, and for other purposes.

S. 370

At the request of Mr. COCHRAN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 370, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN (for himself and Mr. MERKLEY):

S. 400. A bill to amend the Federal Lands Recreation Enhancement Act to include the Corps of Engineers as a Federal land management agency, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOOZMAN. Mr. President, today Senator MERKLEY and I are introducing the Corps of Engineers Recreation Improvement Act. This legislation enables the U.S. Army Corps of Engineers to reinvest recreation fees to improve facilities where the funds are collected. Our bill creates an incentive for the Corps to maintain good facilities and provide quality recreational opportunities on our public lands. The Corps currently collects recreation fees at many sites. This legislation would not change the way the Corps determines use fee rates. Existing law provides that users of specialized sites, facilities, equipment, or services provided by Federal expense shall be assessed fair and equitable fees. Section 210 of the Flood Control Act of 1968 also provides that no entrance fees shall be charged by the Corps. Our bill is not intended to and does not make any changes in that regard.

In Arkansas, recreation on our public Corps-operated lands is an important driver of economic activity, job opportunities, and tourism. In fiscal year 2012, over $4.2 million in revenue was collected at Corps recreation sites in Arkansas. When citizens spend money at Corps recreation sites in Arkansas, Oregon, or other States, many of them expect that their money will be invested on-site to improve facilities and create recreation opportunities. Our bill would ensure those expectations are met.

The Corps of Engineers Recreation Improvement Act would also enable the Corps to participate in the interagency America the Beautiful Pass program to allow customers an alternative payment option at sites where entrance or amenity fees are charged. This includes the distribution and sale of the passes and the retention of a portion of the revenue for the sales of those passes. It would also allow the Corps to distribute Military Passes. This will make it easier for our men and women in uniform and their families to acquire passes. The Corps currently honors these passes but the Corps is not allowed to distribute the passes. Providing the ability for the Corps to offer passes to customers is a commonsense solution that will encourage continued use of Federal recreation sites.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 402. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce a bill that will address a cumbersome and time consuming process in place under existing law within the Bureau of Indian Affairs. This piece of legislation will streamline the land acquisition process for the Confederated Tribes of Siletz Indians. The current process for taking land into trust is simply not working, and I believe there are changes that need to be made in the existing process. I am pleased to be joined by Senator MERKLEY in this effort. I want to note that I introduced similar legislation last Congress that was stalled at the Committee level due to certain language in that bill—language that, at the time, we thought was needed but found later was unnecessary and was preventing the bill from moving forward. In the bill I am introducing today, I took that language out to resolve the needs of the various stakeholders and to ensure the bill has a chance to pass the Committee and be signed into law.

The original Siletz Coastal Treaty Reservation, established by the Executive Order on November 9, 1855, was diminished and then eliminated by the Federal Government's allotment and termination policies. Tribal members and the tribal government have worked to rebuild the Siletz community since the Western Oregon Termination Act of August 1954 stripped the Siletz people of Federal tribal recognition. Since then the tribe has been struggling to rebuild its land base. This legislation would work to facilitate the tribe's land into trust process within the original Siletz coast reservation to overcome chronic agency delays in processing applications. Instead of having two cumbersome processes to bring each piece of former reservation land back into the reservation after purchase, one to bring the land into trust and another to make it reservation land, my legislation would allow the tribe to combine the process.

In this case, because the original reservation was disassembled, and the tribe terminated and provided a very small land base upon restoration, virtually every tract of land the tribe seeks to place into trust today is considered by the Bureau of Indian Affairs,

BIA, pursuant to off-reservation fee-to-trust procedures. Off-reservation requests would mean that, according the regulations, the ''. . . secretary gives greater scrutiny to the tribe's justification of anticipated benefits. . .''

By applying the on-reservation fee-to-trust criteria for lands within the Siletz Tribe's original reservation, this legislation allows the Tribe to take land into trust that will ultimately provide for vital tribal programs such as housing, government administration, and jobs—for both tribal and county residents. In addition, the bill emphasizes the importance and the intent of the Indian Reorganization Act of 1934—which allows the Secretary of Interior, in his or her discretion, to take land into trust for the benefit of an Indian tribe or of individual Indians. Essentially, reversing the loss of tribal lands and restoring some of the tribe's original land base by allowing the Tribe to take land into trust under the same provisions as other Indian tribes within their reservations.

This bill underscores the importance of economic stability and self-determination for the Confederated Tribes of Siletz Indians and its members. Due to failed Termination Era policies, Oregon Tribal communities suffer some of the greatest hurdles, whether it is health care, education, or crime on reservations. This bill would alleviate much of the cost and much needed resources associated with the bureaucratic hoops the tribe has had to jump through for years—which mean a significant savings of time and resources.

The Siletz Tribe has approached all the involved counties and has developed great communication and working relationships with them. This legislation establishes and confirms a positive and beneficial partnership between the Federal Government, Siletz Tribe and local counties Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas.

That is why I am introducing this legislation. The process remains cumbersome and costly and I recognize the need for more action. It is always great to see tribes and local counties work together to come up with proactive solutions for their communities to tackle challenging economic conditions.

I want to express my thanks to all the citizens and community and tribal leaders who have worked to build their communities. They represent the pioneering spirit and vision that defines my state.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 402

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

SECTION 1. TREATMENT OF CERTAIN PROPERTY OF THE SILETZ TRIBE OF THE STATE OF OREGON.

Section 7 of the Siletz Tribe Indian Restoration Act (25 U.S.C. 711e) is amended by adding at the end the following:

''(f) TREATMENT OF CERTAIN PROPERTY.—

''(1) IN GENERAL.—

''(A) TITLE.—The Secretary may accept title to any additional number of acres of real property located within the boundaries of the original 1855 Siletz Coast Reservation established by Executive Order dated November 9, 1855, comprised of land within the political boundaries of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties in the State of Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.

''(B) TRUST.—Land to which title is accepted by the Secretary under this paragraph shall be held in trust by the United States for the benefit of the tribe.

''(2) TREATMENT AS PART OF RESERVATION.—All real property that is taken into trust under paragraph (1) shall—

''(A) be considered and evaluated as an on-reservation acquisition under part 151.10 of title 25, Code of Federal Regulations (or successor regulations); and

''(B) become part of the reservation of the tribe.

''(3) PROHIBITION ON GAMING.—Any real property taken into trust under paragraph (1) shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CORNYN, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 405. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am reintroducing the Sunshine in the Courtroom Act, a bipartisan bill which permits judges at all federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what happens inside our courts. Our judicial system remains a mystery to too many people across the country. That doesn't need to continue. Letting the sun shine in on federal courtrooms will give Americans an opportunity to better understand the judicial process. Courts are the bedrock of the American justice system. I believe that granting the public greater access to an already public proceeding will inspire greater faith in and appreciation for our judges who pledge equal and impartial justice for all.

For decades, States such as my home state of Iowa have allowed cameras in their courtrooms with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen states allow news coverage in most courts; sixteen allow coverage with slight restrictions; and the remaining fifteen allow coverage with stricter rules.

The bill I am introducing today, along with Senator SCHUMER and five other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY, will greatly improve public access to federal courts by letting federal judges open their courtrooms to television cameras and other forms of electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into courtrooms goes as smoothly as it has at the state level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges, it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a three-year sunset provision. The bill protects the privacy and safety of non-party witnesses by giving them the right to have their faces and voices obscured. The bill prohibits the televising of jurors. Finally, it includes a provision to protect the due process rights of each party.

We need to open the doors and let the light shine in on the Federal Judiciary. This bill improves public access to and therefore understanding of our Federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our states have allowed news coverage of their courtrooms for decades. It is time we join them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 405

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sunshine in the Courtroom Act of 2013''.

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an

appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) MANDATORY GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) EXPENSES.—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) INHERENT AUTHORITY.—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

By Mr. DURBIN (for himself, Mr. REED, and Mr. WHITEHOUSE):

S. 408. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

Mr. DURBIN. Mr. President, last week TIME Magazine published an extensive piece that took a close look at the hidden costs within our health care system and how the Medicare program, which is widely disparaged these days, is effective in controlling costs.

We as a nation will spend $2.8 trillion this year on health care. That is on average 27 percent more than what is spent per capita in other developed countries.

According to the TIME article, many hospitals routinely overcharge patients and reap profits at the expense of American families. As one former hospital billing officer put it, ''hospitals all know the bills are fiction.''

Too many families are put on the path to financial ruin because of hospital bills.

Another thing the TIME piece highlighted was that Medicare is much more effective at controlling costs than private sector providers, whether non-profit or for-profit.

Because Medicare sets the prices it is willing to pay providers in advance, patients with Medicare coverage are charged substantially less than patients with private health insurance who have received the same services.

In fact, projected Medicare spending over the 2011–2020 period is more than $500 billion lower since late 2010 than CBO projected.

But we can do more. Every day, 10,000 Americans turn 65 and become eligible for Medicare. In 11 years, Medicare's hospital insurance fund will start paying out more in benefits than it takes in.

Meaningful reforms that lead to better health care at lower costs are good for America's seniors—and for our entire health care system. And that should start with changes to Part D.

Today, I am introducing with Senators WHITEHOUSE and JACK REED the Medicare Prescription Drug Savings and Choice Act.

Our bill would save taxpayer dollars by giving Medicare beneficiaries the choice to participate in a Medicare Part D prescription drug plan run by Medicare, not private insurance companies.

Seniors want the ability to choose a Medicare-administered drug plan, so let's give them this option.

In 2010, Americans spent approximately $260 billion on prescription drugs. That figure is projected to double over the next decade. However, patients in the United States spend 50 percent more than other developed countries for the same drugs.

The average monthly price of cancer drugs has doubled over the past 10 years, from about $5,000 to more than $10,000.

Of the 12 new cancer drugs approved by the FDA last year, 11 were priced above $100,000 a year.

About 77 percent of all cancers are diagnosed in persons 55 years of age and older.

As these people enter the program, Medicare should be allowed to control how much it pays for these prescription drugs.

While the Affordable Care Act does a lot to control costs in the private insurance market, current law handcuffs Medicare beneficiaries from obtaining competitive prices for their prescription drugs.

For all other Medicare programs, beneficiaries can choose whether to receive benefits directly through Medicare or through a private insurance plan.

The overwhelming majority of seniors choose the Medicare-run option for their hospital and physician coverage.

Our bill requires the Secretary of HHS to develop at least one nationwide prescription drug plan.

Why? Because we should take advantage of the Federal Government's purchasing power.

The Veterans Administration uses this type of negotiating authority and has cut drug prices by as much as 50 percent for our Nation's veterans.

Savings from negotiating on behalf of seniors in Medicare could be used to further reduce costs in the program and ensure the program is there for future generations.

America's health care system is burdening families and hindering our ability to invest in the future.

The Affordable Care Act takes important steps to begin bringing down costs in the private market and in Medicare, but there is more we can do. This proposal is a simple and common sense option that should be available for seniors.

Allowing Medicare to manage a prescription drug plan and negotiate prices, taxpayers will save money and seniors will get high quality drug coverage.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 408

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Prescription Drug Savings and Choice Act of 2013''.

SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2014), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more Medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with subsection (b) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a Medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'Medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a Medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2014 and each succeeding year shall be based on the average monthly per capita actuarial cost of offering the Medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a Medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

''(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

''(1) IN GENERAL.—With respect to the operation of a Medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (2)(C)(ii)) in accordance with this subsection in order to—

''(A) increase patient safety;

''(B) increase appropriate use and reduce inappropriate use of drugs; and

''(C) reward value.

''(2) DEVELOPMENT OF INITIAL FORMULARY.—

''(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and price.

''(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

''(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

''(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

''(iii) use the same classes of drugs developed by the United States Pharmacopeia for this part;

''(iv) consider evaluations made by—

''(I) the Director under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(II) other Federal entities, such as the Secretary of Veterans Affairs; and

''(III) other private and public entities, such as the Drug Effectiveness Review Project and State plans under title XIX; and

''(v) recommend to the Secretary—

''(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

''(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

''(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

''(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

''(i) IN GENERAL.—The Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

''(I) have a lower cost and provide a greater clinical benefit than other drugs;

''(II) have a lower cost than other drugs with the same or similar clinical benefit; and

''(III) drugs that have the same cost but provide greater clinical benefit than other drugs.

''(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

''(I) Tiered copayments.

''(II) Reference pricing.

''(III) Prior authorization.

''(IV) Step therapy.

''(V) Medication therapy management.

''(VI) Generic drug substitution.

''(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

''(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

''(II) compliance would be expected to produce savings under part A or B or both.

''(3) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

''(A) to add a generic version of a covered part D drug that entered the market;

''(B) to remove such a drug for which a safety problem is found; and

''(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

''(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

''(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the 'advisory committee')—

''(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

''(ii) to recommend any changes to the formulary established under this subsection.

''(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

''(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physicians who are specialists in treating the disease for which a drug is being considered.

''(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(i) in order to assess—

''(i) clinical effectiveness;

''(ii) comparative effectiveness;

''(iii) safety; and

''(iv) enhanced compliance with a drug regimen.

''(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

''(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

''(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

''(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

''(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(i) with respect to a covered part D drug unless the petition is accompanied by the following:

''(i) Raw data from clinical trials on the safety and effectiveness of the drug.

''(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

''(iii) Any available data on comparative effectiveness of the drug.

''(iv) Any other information the Secretary requires for the advisory committee to complete its review.

''(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

''(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

''(f) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the availability of a Medicare operated drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

''(g) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D–4(b)(1) relating to assuring pharmacy access.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A Medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.''.

(2)(A) Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended by adding at the end the following new subsection:

''(c) PROVISIONS ONLY APPLICABLE IN 2006 THROUGH 2013.—The provisions of this section shall only apply with respect to 2006 through 2013.''.

(B) Section 1860D–11(g) of such Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2013.—A fallback prescription drug plan shall not be available after December 31, 2013.''.

(3) Section 1860D–13(c)(3) of the Social Security Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting ''AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS'' after ''FALLBACK PLANS''; and

(B) by inserting ''or a Medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(4) Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments for expenses incurred with respect to the operation of Medicare operated prescription drug plans under section 1860D–11A.''.

(5) Section 1860D–41(a) of the Social Security Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'Medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1305w–104(h)) is amended by adding at the end the following new paragraph:

''(4) APPEALS PROCESS FOR MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—The Secretary shall develop a well-defined process for appeals for denials of benefits under this part under the Medicare operated prescription drug plan. Such process shall be efficient, impose minimal administrative burdens, and ensure the timely procurement of non-formulary drugs or exemption from formulary incentives when medically necessary. Medical necessity shall be based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence. Such appeals process shall include—

''(i) an initial review and determination made by the Secretary; and

''(ii) for appeals denied during the initial review and determination, the option of an external review and determination by an independent entity selected by the Secretary.

''(B) CONSULTATION IN DEVELOPMENT OF PROCESS.—In developing the appeals process under subparagraph (A), the Secretary shall consult with consumer and patient groups, as well as other key stakeholders to ensure the goals described in subparagraph (A) are achieved.''.

ALLIANCE FOR A JUST SOCIETY,
February 28, 2013.

Reduce Pharmaceutical Prices—Do Not Cut Benefits

DEAR PRESIDENT OBAMA AND SENATOR/REPRESENTATIVE: We have noted with great concern that federal budget discussions have included the possibility of cuts to Medicare and Medicaid. We wish to be clear: We strongly oppose such an approach and believe it to be both unnecessary and a no-growth policy for an economy that remains stagnant.

Medicare and Medicaid not only provide critical protections against the economic deprivation caused by illness, especially for older Americans; they also create jobs and boost an economy that is slumbering. Cutting these programs leads this country in the wrong direction.

We cannot continue to unravel these critical programs for working families, the elderly, and the poor. If the Congress is unable to move forward without some compromise that reduces our national commitment to quality Medicare and Medicaid programs, there is a source for reductions that will not harm beneficiaries: the cost of prescription drugs.

The U.S. pays more for prescriptions than any nation in the world. Medicare and Medicaid beneficiaries pay more for medicines than do our veterans and the clients of the National Indian Health Service. Why do these differences in cost persist? They do so because other countries, the VA, and the IHS negotiate the prices for prescriptions, while Medicare and Medicaid programs do not.

According to the Center for Economic and Policy Research, savings to the federal government over the next decade would be as high as $541.3 billion. The saving to the states would be as high as $72.7 billion, and beneficiaries would save $112.4 billion. These amounts are far in excess of the demand for expenditure reductions being suggested by the most strident deficit reduction advocates.

We are more than 275 national and state organizations, and we are opposed to cutting health care benefits for the elderly and the poor. However, saving money by negotiating drug prices would be beneficial to the entire health care system, in addition to saving money for the federal government and the states. We urge you to pursue this policy as a major part of efforts to reduce health care costs.

Sincerely,

NATIONAL

9to5, AFL-CIO, AFSCME (American Federation of State, County and Municipal Employees), Alliance for a Just Society, Alliance for Retired Americans, Association of Asian Pacific Community Health Organizations, Campaign for America's Future, Campaign for Community Change, Center for Popular Democracy, Coalition on Human Needs, Community Action Partnership, Community Organizations in Action, Grassroots Policy Project, HCAN (Health Care for America Now!), Institute for Policy Studies, Break the Chain Campaign, Jobs With Justice, Leadership Center for Common Good, National Domestic Workers Alliance, National Education Association.

National Legislative Association on Prescription Drug Prices—20 signers (see attached letter): Rep. Sharon Engle Treat (ME), Rep. Nickie Antonia (OH), Rep. Sheryl Briggs (ME), Sen. Capri Cafaro (OH), Rep. Michael Foley (OH), Sen. Dede Feldman (NM), Assemblyperson Richard N. Gottfried (NY), Sen. Jack Hatch (IO), Sen. Karen Keiser (WA), Sen. Sue Malek (MT), Sen. Kevin Mullin (VT), Rep. Don Perdue (WV), Rep. Elizabeth B. Ritter (CT), Rep. Cindy Rosenwald (NH), Rep. Linda Sanborn (ME), Rep. Shay Shual-Berke (MD), Sen. Michael J. Skindell (OH), Rep. Peter Stuckey (ME), Rep. Roy Takumi (HI), Rep. Joan Welsh (ME).

National Health Care for the Homeless Council, National Health Law Program, National Korean American Service & Education Consortium, National People's Action, National Women's Health Network, New Bottom Line, PICO National Network,

Progressive Democrats of America, Racial and Ethnic Health Disparities Coalition, Raising Women's Voices for the Health Care We Need, Rights to the City, Service Employees International Union, Social Security Works, UAW (United Auto Workers), Universal Health Care Action Network, USAction, Working America, AFL-CIO, Working Families Party.

ALABAMA

Federation Of Child Care Centers of Alabama.

ARKANSAS

Arkansas Community Organizations.

CALIFORNIA

9to5 California, Alliance of Californians for Community Empowerment, Center for Third World Organizing, People Organized for Westside Renewal, PICO California, San Diego Organizing Project, California Childcare Coordinators Association, California PIRG, Children's Defense Fund—California, Community Health Council, Elsdon, Inc., Greenlining Institute, Molina Healthcare of California, National Association of Social Workers, CA Chapter.

COLORADO

9to5 Colorado, Colorado Progressive Coalition, Colorado Organization for Latina Opportunity and Reproductive Rights, Together Colorado.

CONNECTICUT

Connecticut Citizen Action Group.

FLORIDA

Central Florida Jobs with Justice, Community Business Association, Florida CHAIN, Florida Chinese Federation, Florida Civic Rights Association—Asian American Affairs, Florida Coalition on Black Civic Participation (FCBCP), Florida Consumer Action Network, Florida Consumer Action Network Foundation, Florida Institute for Reform & Empowerment, Florida New Majority, Florida Watch Action, Labor Council for Latin American Advancement of Central Florida (LCLAA of CF), National Congress of Black Women, Organization of Chinese Americans—South Florida Chapter, Organize Now, South Florida Jobs with Justice, United Chinese Association of Florida.

GEORGIA

9to5 Atlanta, Georgia Rural Urban Summit.

HAWAII

Faith Action for Community Equity.

IDAHO

Idaho Community Action Network, Idaho Main Street Alliance, Indian People's Action, United Action for Idaho, United Vision for Idaho.

ILLINOIS

AFSCME Council 31, Chicago Federation of Labor, AFL-CIO, Citizen Action Illinois, Coalition of Labor Union Women (CLUW), Illinois Alliance for Retired Americans (IARA), Illinois Indiana Regional Organizing Network, Jane Addams Senior Caucus, Lakeview Action Coalition, Northside P.O.W.E.R., Public Action Foundation.

INDIANA

Northwest Indiana Federation of Interfaith Organizations.

IOWA

Iowa Citizen Action Network, Iowa Citizen Action Network Foundation, Iowa Citizens for Community Improvement, Iowa Main Street Alliance.

LOUISIANA

Micah Project—New Orleans, PICO Louisiana.

MAINE

Consumers for Affordable Healthcare, Maine Equal Justice Partners, Maine People's Alliance, Maine People's Resource Center, Maine Small Business Coalition, MSEA-SEIU Local 1989, Prescription Policy Choices.

MARYLAND

Maryland Communities United.

MASSACHUSETTS

Disability Policy Consortium.

MICHIGAN

Harriet Tubman Center—Detroit, Metropolitan Coalition of Congregations, Metro Detroit, Michigan Citizen Action, Michigan Citizen Education Fund, Michigan Organizing Collaborative.

MINNESOTA

AFSCME Council 5, CWA Minnesota State Council, Health Care for All—Minnesota, ISAIAH, Jewish Community Action, Minnesota AFL—CIO, Minnesotans for a Fair Economy, Moveon.org Twin Cities Council, Physicians for a National Health Plan—Minnesota, SEIU Local 284, SEIU Minnesota State Council, Take Action Minnesota, UFCW Local 1189, Universal Health Care Action Network—Minnesota.

MISSOURI

Communities Creating Opportunity, GRO (Grass Roots Organizing), Metropolitan Congregations United, Missouri Progressive Vote Coalition, Missouri Citizen Education Fund, Missouri Jobs with Justice, Missourians Organizing for Change, Missourians Organizing for Reform and Empowerment, Missouri Rural Crisis Center, Progress Missouri.

MONTANA

AFSCME Council 9, Big Sky CLC—Helena, Greater Yellowstone CLC—Billings, Indian People's Action, MEA–MFT, Missoula Area CLC, Montana Alliance for Retired Americans, Montana Organizing Project, Montana Small Business Alliance, MT AFL–CIO State Federation, MT–HCAN, SEIU Healthcare 775 NW, Southcentral Montana CLC—Bozeman, Southwestern Montana CLC—Butte.

NEBRASKA

Nebraska Urban Indian Health Clinic.

NEVADA

Dream Big Las Vegas, Nevada Immigration Coalition, PLAN Action, Progressive Leadership Alliance of Nevada, Uniting Communities of Nevada.

NEW HAMPSHIRE

Granite State Organizing Project, New Hampshire Citizens Alliance, New Hampshire Citizens Alliance for Action.

NEW JERSEY

New Jersey Citizen Action, New Jersey Citizen Action Education Fund, PICO New Jersey, New Jersey Communities United.

NEW MEXICO

Organizers in the Land of Enchantment (OLE).

NEW YORK

Center for Independence of the Disabled—NY, Citizen Action of New York and Public Policy and Education Fund, Community Service Society of New York, Health Care for All New York, Institute of Puerto Rican/Hispanic Elderly Inc. Make the Road New York, Medicaid Matters New York, Metro New York Health Care for All Campaign, New York Communities for Change, New Yorkers for Accessible Health Coverage, Professional Staff Congress at CUNY Local 2334—AFT, Public Policy and Education Fund of New York, Small Business United, Syracuse United Neighbor.

NORTH CAROLINA

Action North Carolina, Disability Rights NC, North Carolina Fair Share, North Carolina Justice Center, Unifour OneStop Collaborative.

OHIO

Communities United for Action, Contact Center, Fair Share Research and Education Fund, Mahoning Valley Organizing Collaborative, Ohio Alliance for Retired Americans Educational Fund, Ohio Organizing Collaborative, Progress Ohio, Progressive Democrats of America—Ohio Chapter, The People's Empowerment Coalition of Ohio, Toledo Area Jobs with Justice & Interfaith Worker Justice Coalition, UHCAN Ohio.

OREGON

Asian Pacific American Network of Oregon, Center for Intercultural Organizing, Fair Share Research and Education Fund, Main Street Alliance of Oregon, Oregon Action, Oregon Women's Action for New Directions, Rural Organizing Project, Portland Jobs with Justice, Urban League.

PENNSYLVANIA

ACHIEVA, ACTION United, Be Well! Pittsburgh, Beaver County NOW, Consumer Health Coalition, Lutheran Advocacy Ministry of Pennsylvania, Maternity Care Coalition, New Voices Pittsburgh: Women of Color for Reproductive Justice, Pennsylvania Alliance for Retired Americans, Philadelphia Unemployment Project, Women's Law Project.

RHODE ISLAND

Ocean State Action, Ocean State Action Fund.

TENNESSEE

Tennessee Citizen Action, Tennessee Citizen Action Alliance.

VIRGINIA

SEIU Virginia 512, Virginia AFL–CIO, Virginia New Majority, Virginia Organizing.

WASHINGTON

AFGE Local 3937, Asian Pacific Islander Americans for Civic Empowerment, FUSE Washington, Health Care for All Washington, Main Street Alliance of Washington, OneAmerica, Physicians for a National Health Program—Western Washington, Puget Sound Advocates for Retirement Action, SEIU Healthcare 1199NW, SEIU Local 6, SEIU Local 775, SEIU Healthcare 775NW, Spokane Peace and Justice Action League, Washington CAN! Education and Research Fund, Washington CARE Campaign, Washington Community Action Network Education, Washington Fair Trade Coalition, Washington State Labor Council AFL–CIO, Working Washington.

WEST VIRGINIA

West Virginia Citizen Action Group, West Virginia Citizen Action Education Fund.

WISCONSIN

9to5 Wisconsin, Citizen Action of Wisconsin, Citizen Action of Wisconsin Education Fund, Coalition of Wisconsin Aging Groups, M&S Clinical Services Assessment Center, Milwaukee Teachers Education Association (NEA), SEIU Healthcare Wisconsin, SOPHIA—Stewards of Prophetic, Hopeful, Intentional Action (Gamaliel), Wisconsin Federation of Nurses and Health Professionals (AFT).

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY & MEDICARE,
Washington, DC, February 28, 2013.

Hon. DICK DURBIN,
U.S. Senate, Hart Office Building, Washington, DC.

Hon. JANICE SCHAKOWSKY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE SCHAKOWSKY: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and

Medicare, I am writing to express our support for the Medicare Prescription Drug Savings and Choice Act. We applaud this effort because it would improve the Medicare program for beneficiaries and reduce federal spending on prescriptions drugs.

We understand that your legislation would create one or more Medicare-administered drug plans with uniform premiums, providing seniors with the opportunity to purchase drugs directly through the Medicare program. In addition, your legislation would require the federal government to use its purchasing power to negotiate lower prices on prescription drugs for beneficiaries who enroll in the Medicare-administered plan. The Department of Veterans Affairs and many state governments are able to deliver lower drug prices because of price negotiation, and we believe that the federal government should be able to receive the best price available for Medicare prescription drugs. Finally, we appreciate that your legislation establishes an advisory committee to assess a public formulary and streamlines the Medicare Part D appeals process, which will help all beneficiaries.

Thank you for your continued leadership on Medicare, particularly for identifying ways to reduce Medicare spending without shifting costs to beneficiaries. We look forward to working with you to enact this important legislation.

Sincerely,

MAX RICHTMAN,
President and CEO.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. WYDEN, and Mr. MORAN):

S. 411. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am joining my colleagues Senators, CRAPO, WYDEN, and MORAN in introducing the Short Line Railroad Rehabilitation and Investment Act of 2013, legislation to extend for 3 years the Section 45G short line freight railroad tax credit.

In the 112th Congress, I introduced a 6-year extension of this credit. Despite the often contentious atmosphere of the 112th Congress, during which my colleagues found little they could agree on, the short line rail credit was a bipartisan success story, with my legislation attracting more than 50 bipartisan cosponsors.

''Short line'' railroads are small freight rail companies responsible for bringing goods to communities that are not directly served by large, transcontinental railroads. Supporting small railroads allows the communities surrounding them to attract and maintain businesses and create jobs. The evidence of the success of this credit can be found in communities across America.

This credit has real impact for the people of my state. West Virginia is the second biggest producer of railroad ties in the country. Since the credit was enacted, it is estimated 750,000 railroad ties have been purchased above what would have otherwise been purchased with no incentive. Those railroad ties translate directly into jobs. This credit does not create just West Virginia jobs though. The ties, spikes, and rail this credit helps fund are almost entirely American made.

Over 12,000 rail customers across America depend on short lines. This credit creates a strong incentive for short lines to invest private sector dollars on private-sector freight railroad track rehabilitation and improvements. Unfortunately, it is now scheduled to expire at the end of 2013.

We were unable to enact a full 6-year extension of this important tax credit last Congress, but I was pleased that this credit was extended through the end of 2013 as part of the December 31st fiscal cliff deal.

This Congress I want to do more. This credit, and the short line railroads that serve all of our constituents, deserve a meaningful extension. If this credit is allowed to expire at the end of the year, private-sector investments in infrastructure in our communities will fall by hundreds of millions of dollars.

This bill would extend the 45G credit through 2016, providing the important long-term planning certainty necessary to maximize private-sector transportation infrastructure investment. Over 50 members of this body sponsored legislation in the last Congress extending this credit and I hope there will be similar support again this year. I ask my colleagues to join me in supporting this important legislation.

By Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. PORTMAN, and Ms. KLOBUCHAR):

S. 413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 413

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Trafficking Reporting Act of 2013''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is a form of modern-day slavery.

(2) According to the Trafficking Victims Protection Act of 2000 ''severe forms of trafficking in persons'' means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) There is an acute need for better data collection of incidents of human trafficking across the United States in order to effectively combat severe forms of trafficking in persons.

(4) The State Department's 2012 Trafficking in Persons report found that—

(A) the United States is a ''source, transit and destination country for men, women, and children, subjected to forced labor, debt bondage, domestic servitude and sex trafficking,''; and

(B) the United States needs to ''improve data collection on human trafficking cases at the federal, state and local levels''.

(5) The International Organization for Migration has reported that in order to effectively combat human trafficking there must be reliable and standardized data, however, the following barriers for data collection exist:

(A) The illicit and underground nature of human trafficking.

(B) The reluctance of victims to share information with authorities.

(C) Insufficient human trafficking data collection and research efforts by governments world-wide.

(6) A 2009 report to the Department of Health and Human Services entitled Human Trafficking Into and Within the United States: A Review of the Literature found that ''the data and methodologies for estimating the prevalence of human trafficking globally and nationally are not well developed, and therefore estimates have varied widely and changed significantly over time''.

(7) The Federal Bureau of Investigation compiles national crime statistics through the Uniform Crime Reporting Program.

(8) Under current law, State and local governments receiving Edward Byrne Memorial Justice Assistance grants are required to share data on part 1 violent crimes with the Federal Bureau of Investigation for inclusion in the Uniform Crime Reporting Program.

(9) The addition of severe forms of trafficking in persons to the definition of part 1 violent crimes will ensure that statistics on this heinous crime will be compiled and available through the Federal Bureau of Investigation's Uniform Crime Report.

SEC. 3. HUMAN TRAFFICKING TO BE INCLUDED IN PART 1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.

Section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following new subsection:

''(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of trafficking in persons, as defined in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).''.

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mrs. GILLIBRAND, and Mr. PRYOR):

S. 415. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the Gulf Coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes

Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike in 2008. Unfortunately, our region also has had to deal with the economic and environmental damage from the Deepwater Horizon disaster in 2010 and more recently Hurricane Isaac. For this reason, as Chair of the Senate Committee on Small Business and Entrepreneurship ensuring Federal disaster programs are effective and responsive to disaster victims is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster. For example, the Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. This certainly hit home when the northeast was struck by Hurricane Sandy in October of last year. With this in mind, we must ensure that the Federal government is better prepared and has the tools necessary to respond quickly, effectively following a disaster.

In order to give the U.S. Small Business Administration, SBA, better tools to respond after a future disaster, I am proud that to file the Small Business Disaster Reform Act of 2013. I want to thank my colleague Senator THAD COCHRAN for cosponsoring the bill and for helping me to make improvements. I am also appreciative that Senator KIRSTEN GILLIBRAND and Senator MARK PRYOR also have cosponsored the legislation. This bill will make two important improvements to SBA's disaster assistance programs for businesses. The first provision builds off of SBA disaster reforms enacted in 2008 and ensures that SBA is responsive to the needs of small businesses seeking smaller amounts of disaster assistance. These are the businesses that are burdened the most by liens on their primary personal residential homes when they could conceivably provide sufficient business assets as collateral for the loan. The second provision in the bill also authorizes the SBA Administrator to allow out-of-state Small Business Development Centers, SBDCs, to provide assistance in to small businesses located in Presidentially-declared disaster areas. This provision removes a limitation that, for disasters such as Hurricane Katrina or Hurricane Sandy, would allow experienced SBDC counselors to come in to a disaster area while local SBDCs are being stood back up following a catastrophic disaster. Lastly, to ensure that out-of-state SBDCs are not left paying out of pocket for assisting in these disaster areas, there also is legislative language in Section 4 encouraging the SBA to ensure it reimburses SBDCs for these disaster-related expenses provided they were legitimate and there are funds available to do so.

In particular, Section 2 of the bill that I am filing today would clarify that, for SBA disaster business loans less than $200,000 that SBA is required to utilize assets other than the primary residence if those assets are available to use as collateral towards the loan. The bill is very clear though that these assets should be of equal or greater value than the amount of the loan. Also, to ensure that this is a targeted improvement, the bill also includes additional language that this bill in no way requires SBA to reduce the amount or quality of collateral it seeks on these types of loans. I want to especially thank my former Ranking Member Olympia Snowe for working with me to improve upon previous legislation on this particular issue. The provision that I am re-introducing, as part of this disaster legislation, is a direct result of discussions with both her and other stakeholders late last year. I believe that this bill is better because of improvements that came out of these productive discussions.

I note that this provision is similar to Section 204 of S. 2731, the Small Business Administration Disaster Recovery and Reform Act of 2009 that Senator BILL NELSON and I introduced during the 111th Congress. A similar provision also passed the House of Representatives twice that Congress. H.R. 3854, which included a modified collateral requirement under Section 801, passed the House on October 29, 2009 by a vote of 389–32. The provision also passed the House again on November 6, 2009 by a voice vote as Section 2 of H.R. 3743. During the 112th Congress, this provision passed the Senate on December 28, 2012 by a vote of 62–32 as part of H.R. 1, the Senate-passed Disaster Relief Appropriations Act. However, it was not included in H.R. 152, the House-passed Disaster Relief Appropriations Act that subsequently was enacted into law. Despite the setback earlier this year, I remind my colleagues that this provision has a history of bipartisan Congressional support and has previously passed both chambers of Congress.

Section 2 addresses a key issue that is serving as a roadblock to business owners interested in applying for smaller SBA disaster loans. After the multiple disasters that hit the Gulf Coast, my staff has consistently heard from business owners, discouraged from applying for SBA disaster loans. When we have inquired further on the main reasons behind this hesitation, the top concern related to SBA requiring business owners to put up their personal home as collateral for smaller SBA disaster loans for their business. This requirement is understandable for large loans between $750,000 and $2 million. However, business owners complained about this requirement being instituted for loans of $200,000 or less. I can understand their frustration. Business owners, in many cases who have just lost everything, are applying to SBA for a $150,000 loan for their business. SBA then responds by asking them to put up their $400,000 personal home as collateral when the business may have sufficient business assets available to collateralize the loan. While I also understand the need for SBA to secure the loans, make the program cost effective, and minimize risk to the taxpayer, SBA has at its disposal multiple ways to secure loans.

Furthermore, SBA has repeatedly said publicly and in testimony before my committee that it will not decline a borrower for a lack of collateral. According to a July 14, 2010 correspondence between SBA and my office, the agency notes that ''SBA is an aggressive lender and its credit thresholds are well below traditional bank standards . . . SBA does not decline loans for insufficient collateral.'' SBA's current practice of making loans is based upon an individual/business demonstrating the ability to repay and income. The agency declines borrowers for an inability to repay the loan. In regards to collateral, SBA follows traditional lending practices that seek the ''best available collateral.'' Collateral is required for physical loans over $14,000 and Economic Injury Disaster Loans, EIDL, loans over $5,000. SBA takes real estate as collateral when it is available, but as I stated, the agency will not decline a loan for lack of collateral. Instead it requires borrowers to pledge what is available. However, in practice, SBA is requiring borrowers to put up a personal residence worth $300,000 or $400,000 for a business loan of $200,000 or less when there are other assets available for SBA.

This provision does not substantively change SBA's current lending practices and it will not have a significant cost. I believe that this legislation would not trigger direct spending nor would it have a significant impact on the subsidy rate for SBA disaster loans. Currently for every $1 loaned out, it costs approximately 10 cents on the dollar. Most importantly, this bill will greatly improve the SBA disaster loan programs for businesses ahead of future disasters. If a business comes to the SBA for a loan of less than $200,000 to make immediate repairs or secure working capital, they can be assured that they will not have to put up their personal home if SBA determines that the business has other assets to go towards the loan. However, if businesses seek larger loans than $200,000 or if their business assets are not suitable collateral, then the current requirements will still apply. This ensures that very small businesses and businesses seeking smaller amounts of recovery loans are able to secure these loans without significant burdens on their personal property. For the business owners we have spoken to, this provides some badly needed clarity to one of the Federal government's primary tools for responding to disasters.

To be clear though, while I do not want to see SBA tie up too much of a business' collateral, I also believe that if a business is willing and able to put up business assets towards its disaster loan, SBA should consider that first before attempting to bring in personal

residences. It is unreasonable for SBA to ask business owners operating in very different business environments post-disaster to jeopardize not just their business but also their home. Loans of $200,000 or less are also the loans most likely to be repaid by the business so personal homes should be collateral of last resort in instances where a business can demonstrate the ability to repay the loan and that it has other assets.

As previously mentioned, there are also safeguards in the provision that ensures that this provision will not reduce the quality of collateral required by SBA for these disaster loans nor will it reduce the quality of the SBA's general collateral requirements. These changes will assist the SBA in cutting down on waste, fraud and abuse of these legislative reforms. In order to further assist the SBA, I believe it is important to clarify what types of business assets we understand they should review. For example, I understand that SBA's current lending practices consider the following business assets as suitable collateral: commercial real estate; machinery and equipment; business inventory; and furniture and fixtures.

Section 3 of this bill removes an unnecessary prohibition in the Small Business Act that currently prohibits SBDCs from other states to help out in areas impacted by disasters. In particular, this provision authorizes the SBA Administrator to allow out-of-state SBDCs to provide assistance in to small businesses located in Presidentially-declared disaster areas. This is because, as you may know, SBDCs are considered to be the backbone of the SBA's Office of Entrepreneurial Development efforts, and are the largest of the agency's OED programs. SBDCs are the university based resource partners that provide counseling and training needs for more than 600,000 business clients annually. From 2007 to 2008, the counseling and technical assistance services they offered lead to the creation of 58,501 new jobs, at a cost of $3,462 per job. Additionally, they estimate that their counseling services helped to save 88,889 jobs. These centers are even more critical following natural or manmade disasters. That is because SBDCs help impacted businesses in navigating Federal disaster programs, insurance programs, and in creating new business plans following a disaster. For that reason, we must ensure that there is continuity to have SBDC counselors on the ground in disaster areas.

For example, right after Hurricane Katrina our SBDCs in Louisiana were severely limited in what they could do because of the widespread damage to homes and facilities utilized by their counselors. On the other hand, their counterparts at the Florida SBDCs had a wealth of disaster expertise and were willing to assist but were prohibited from providing assistance to small businesses outside their geographic area. In 2012, we experienced similar challenges following Hurricane Sandy but SBDCs in Louisiana, Florida or elsewhere were prohibited from helping their counterparts in the Northeast even if they wanted to help recovery in New York or New Jersey and doing so would not impact their operations back home. For smaller scale disasters, local SBDCs will respond to disasters in their own areas. However, for large scale, catastrophic disasters, this provision could make a significant difference for impacted small businesses.

In fact, on December 13, 2012, my committee received excellent testimony from Jim King, Chair of the Association of Small Business Development Centers, ASBDCs, and State Director of New York State Small Business Development Center. Mr. King outlined the symbiotic relationship between different SBDC state chapters and how they currently assist each other after disasters. He specifically noted that, ''I was also privileged to have the opportunity to work with the SBDC in Louisiana following Hurricane Katrina in 2005 and visited New Orleans as one of five State Directors invited to share thoughts with my counterpart there, Mary Lynn Wilkerson, to evolve a strategy for recovery. I should note that Mary Lynn has returned the favor many times over since Hurricane Sandy devastated our area, with materials, information and support, which has been greatly appreciated.'' He also later noted that ''Starting almost immediately after the disaster, staff in other states and programs began reaching out with offers of assistance and words or experiences of support . . . The experiences gained from disasters in Florida, Texas, Colorado, Louisiana and many other places reinforce the value of the SBDC network in meeting the needs of small business in times of disaster.'' I believe that these current relationships will be further strengthened by enacting this legislation. C.E. ''Tee'' Rowe, President/CEO of ASBDC noted this in his February 10, 2013 letter to my office, noting that, ''Allowing SBDCs to share resources across state lines or other boundaries for the purposes of disaster recovery is a common sense proposal, little different from utilities sharing linemen.'' At the same time, however, I encourage SBDC chapters across the country to establish more of these partnerships pre-disaster so that their SBDC counterparts can be there post-disaster. SBDC chapters that are, unfortunately, battle hardened from multiple disasters should not be the only chapters that bear fruit from these partnerships with their counterparts.

Furthermore, I note that Section 3 of the bill has previously been passed out of committee and has been approved by the full Senate during past sessions of Congress. So this provision has a strong record of bipartisan support. During the 110th Congress, this provision was approved unanimously by the Small Business and Entrepreneurship Committee on May 7, 2007 as Section 104 of S. 163, the ''Small Business Disaster Response and Loan Improvements Act of 2007.'' S. 163 was subsequently passed by the full Senate by unanimous consent on August 3, 2007. Unfortunately, this provision was not enacted into law before the adjournment of the 110th Congress. In the 111th Congress, this provision was again approved unanimously by the Small Business and Entrepreneurship Committee on July 2, 2009 as Section 607 of S. 1229, the ''Entrepreneurial Development Act of 2009'' but was not enacted into law before the adjournment of that Congress. Lastly, during the 112th Congress, the provision received 57 strong bipartisan votes on July 12, 2012 as Section 433 of Senate Amendment 2521 to S. 2237, the ''Small Business Jobs and Tax Relief Act of 2012.'' My Republican colleagues Senators Snowe, COLLINS, VITTER, Scott Brown, and HELLER all voted in support of the amendment. Although it was not ultimately enacted into law, the provision was subsequently included in separate pieces of legislation introduced by Senator Olympia Snowe and myself. This provision was included as Section 433 of S. 3442, the ''SUCCESS Act of 2012'' that I introduced on July 25, 2012 as well as Section 433 of S. 3572, the ''Restoring Tax and Regulatory Certainty to Small Business Act of 2012'' that Senator Snowe introduced on September 9, 2012.

Lastly, Section 4 is a new provision that I worked with my colleague Senator COCHRAN to include in the legislation. This section addresses past instances where SBDCs were not sufficiently reimbursed post-disaster by the SBA for disaster-related expenses. Section 3 provides clear Congressional intent that, in authorizing the SBA to allow out-of-state SBDCs to assist in disaster areas outside their geographic location, the agency must also ensure that out-of-state SBDCs are not left paying out of pocket for assisting in these disaster areas. If the SBA approves for these SBDCs to deploy staff or resources to a disaster area, the agency must in turn ensure that it reimburses SBDCs for these expenses provided they were legitimate and there are funds available to do so. I thank Senator COCHRAN for bringing this to my attention on behalf of his local SBDCs, and look forward to working closely with him to enact this provision into law.

In closing, I believe that these commonsense disaster reforms will greatly benefit businesses impacted by future disasters. First, the major proposals in this legislation are neither new nor untested. Next, this approach has already received support from the following groups from across the country: the Association of Small Business Development Centers, the International Economic Development Council, the Southwest Louisiana Economic Development Alliance, the St. Tammany Economic Development Foundation, the Northeast Louisiana Economic

Partnership, and the Bay Area Houston Economic Partnership. With that in mind, the Senate should not make the perfect the enemy of the good. If we can make these reforms today and help one business impacted by a disaster tomorrow, we will have done what our constituents sent us here to do: make good laws.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 415

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Disaster Reform Act of 2013''.

SEC. 2. CLARIFICATION OF COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

SEC. 3. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''(3) At the discretion'' and inserting the following:

''(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DISASTER RECOVERY ASSISTANCE.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to a small business concern located outside of the State, without regard to geographic proximity, if the small business concern is located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the period of the declaration.

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that, subject to the availability of funds, the Administrator of the Small Business Administration shall, to the extent practicable, ensure that a small business development center is appropriately reimbursed for any legitimate expenses incurred in carrying out activities under section 21(b)(3)(B) of the Small Business Act (15 U.S.C. 648(b)(3)(B)), as added by this Act.

ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS,
Burke, VA, February 10, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for giving the Association of Small Business Development Centers (ASBDC) the opportunity to comment on your proposed legislative amendments to the disaster assistance provisions in the Small Business Act (15 USC 631 et seq.).

While Congress has taken a significant step in addressing the resource issues following Sandy and other disasters there are still restrictions in the SBDC assistance authority and the US Small Business Administration's loan making authority that could complicate future disaster recovery efforts. We applaud your efforts to deal with those issues.

Under section 21(b)(3) of the Small Business Act (15 USC 648(b)(3)) SBDCs are limited in their ability to provide services across state lines. This prevents SBDCs dealing with disaster recovery, like New York and New Jersey, from being able to draw upon the resources available in our nationwide network of nearly 1,000 centers with over 4,500 business advisors. It likewise prevents states with great experience in disaster recovery assistance like Louisiana and Florida, from providing assistance to their colleagues.

Your proposed legislation amends that SBDC geographic service restriction for the purposes of providing disaster support and assistance. Our Association wholeheartedly endorses that change. Allowing SBDCs to share resources across state lines or other boundaries for the purpose of disaster recovery is a common sense proposal, little different from utilities sharing linemen. In addition, we would like to note that this provision has been supported by the Senate Committee on Small Business and Entrepreneurship twice in previous Congresses.

In addition, the ASBDC wishes to express its support for your proposals to amend the collateral requirements in the disaster loan program for loans under $200,000. SBDCs routinely assist small business owners with their applications for disaster loan assistance and have often faced clients with qualms about some of those requirements.

We share a common goal of putting small business on the road to recovery after disaster strikes and getting capital flowing is a key factor in meeting that goal. To that end, ASBDC supports your efforts to ease collateral requirements and help improve the flow of disaster funds to small business applicants. We believe your proposal to limit the use of personal homes as collateral on smaller loans is consistent with the need to get capital flowing to affected businesses and ease the stress on these businesses. We also agree that this change will not undermine the underwriting standards of the disaster loan program.

Thank you again for kind attention and continuing support of small business.

Sincerely,

C.E. ''TEE'' ROWE,
President/CEO, ASBDC.

INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL,
Washington, DC, February 13, 2013.

Hon. MARY L. LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate.

Hon. JAMES E. RISCH,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU AND SENATOR RISCH: On behalf of the International Economic Development Council (IEDC), please accept our appreciation for this opportunity to provide comments related to proposed changes to federal disaster assistance programs offered by the United States Small Business Administration (SBA). Your continuing support of these critical programs is worthy of praise and we thank you for your leadership.

IEDC has a strong history of supporting disaster planning and recovery. Our organization, with a membership of over 4,000 dedicated professionals, responded to communities in need following the 2005 hurricane season, the BP Gulf oil spill and other disaster-related incidents by providing economic development recovery assistance. We have continued our work in this area through technical assistance projects and partnerships with federal agencies and other non-governmental organizations. Our profession is invested in helping our country prepare for and respond to disasters, much the same as you and your colleagues on the Committee on Small Business and Entrepreneurship. To this end, we support proposed changes that will allow SBA to more effectively deliver disaster recovery assistance to local businesses in need of federal aid.

Rebuilding the local economy must be a top priority following a disaster, second only to saving lives and homes. IEDC supports the targeted changing of the current collateral requirements that state a business owner must place their home up as collateral in order to secure an SBA disaster business loan of $200,000 or less. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Consequently, SBA loans put in place to help businesses rebuild following a disaster go underutilized. As lawmakers, you have a responsibility to protect the taxpayer, which is why we understand the need for posting collateral of equal or greater value to the amount of the loan. The proposed targeted change that eliminates the specific requirement of using a home as collateral to guarantee a loan of $200,000 or less, and instead allowing business assets to act as collateral, will promote greater utilization of the loans. This is an idea we can all get behind; one that will lead to greater, faster economic recovery.

When disaster strikes, we should do everything in our power to bring the full resources of the federal government to bear in the impacted community. This includes, most especially, bringing in top experts who can immediately begin helping businesses and local economies recover. The national network of over 1,100 Small Business Development Centers (SBDC) could be an excellent resource to stricken communities. Unfortunately, current rules prevent SBDC's from assisting their counterparts in other jurisdictions. For example, those communities in the mid-Atlantic and New England impacted by Sandy are not able to benefit from the enormous

amount of knowledge and experience in storm recovery held by SBDCs in Florida and the Gulf region. Certainly, we can all agree that disasters warrant an extraordinary response and that response must include qualified expertise from all corners of the federal government.

Forty to sixty percent of small businesses that close as a result of a disaster do not reopen. This is an unacceptably high number. We would not accept that level of loss in homes and we cannot accept that level of loss in jobs; our communities cannot sustain such losses and duty dictates we make certain they don't have to. By enacting common sense legislation, like that which is under consideration here, and freeing the flow of capital and expertise, we are taking concrete steps to give our small businesses and local economies the greatest chance to recover.

IEDC is your partner in the work of job creation. We thank you for your leadership in support of small business and stand ready to offer our assistance in this and future efforts.

Sincerely,

PAUL L. KRUTKO,
Chairman, International Economic Development Council and President and CEO, Ann Arbor SPARK.

ST. TAMMANY
ECONOMIC DEVELOPMENT FOUNDATION,
Mandeville, LA, February 19, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Dear SENATOR LANDRIEU: The St. Tammany Economic Development Foundation thanks you for the opportunity to comment on the proposed amendments to the disaster assistance provisions in the Small Business Act (15 US 631 et seq.). As we learned from Hurricanes Katrina, Rita and most recently Isaac, the sooner our small businesses are able to recover, the better it is for the region, the state and the nation.

We fully endorse the proposed amendment to Section 1 of the bill regarding collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Allowing business assets to act as collateral will promote greater utilization of the loans; leading to faster economic recovery.

Under Section 2 of the bill, Small Business Development Centers (SBDCs) are limited in their ability to provide services across state lines. This prevents SBDCs in affected areas from being able to draw upon the resources available from their colleagues nationwide. Louisiana SBDCs have great experience in disaster recovery assistance and should not be prevented from providing assistance to their colleagues outside of Louisiana in the event of disaster. Therefore, we fully support this provision.

We applaud your efforts to protect small businesses in the wake of disasters and thank you for continuing to be a strong advocate on their behalf. After all, small businesses are the lifeblood of our great nation.

Sincerely,

Brenda Bertus,
Executive Director, St. Tammany Economic Development Foundation.

NORTH LOUISIANA
ECONOMIC PARTNERSHIP,
February 26, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Dear SENATOR LANDRIEU, The North Louisiana Economic Partnership thanks you for the opportunity to comment on the proposed changes to the disaster assistance programs offered by the United States Small Business Administration. The proposed amendments to the Small Business Act (15 USC 631 et seq.) will greatly enhance federal assistance to small businesses recovering from disasters. NLEP applauds your efforts to support our small businesses which make up the backbone of the American economy.

As a regional economic development organization promoting North Louisiana, NLEP often works with businesses impacted by natural or manmade disasters. The impact of these disasters can temporarily or permanently shut down small businesses, leaving both small business owners and their employees without a livelihood. The SBA disaster programs offer a real lifeline to these impacted businesses which have very few options available to them. The proposed amendment to Section 1 of the bill regarding collateral for business disaster loans would allow more small businesses to utilize the disaster loan programs. If approved, small business owners would no longer have to use their primary residence as collateral toward a SBA disaster business loan of less than $200,000, if other assets are available. During a widespread disaster, the primary residence of business owners may also be impacted and requiring them to use their home as collateral would create an onerous burden and/or be financially unfeasible. Eliminating this collateral requirement opens up assistance to those businesses most impacted by disaster, speeding recovery for businesses and a region's economy.

The second proposed change to Section 2 of the Small Business Act would allow Small Business Development Centers (SBDCs) to provide technical assistance to impacted small businesses beyond the current 250 mile limitation. The Louisiana Small Business Development Centers (LSBDCs) have successfully worked with countless small businesses devastated by Hurricanes Katrina, Rita, Gustav and Ike, and most recently the BP oil spill. The experience and expertise that the LSBDC could have shared with the SBDCs in the New York and New Jersey area would have enhanced their capabilities to cope with Superstorm Sandy. In times of disaster, it is essential to collaborate and pool resources in order to speed up delivery of much needed assistance.

For these reasons, the North Louisiana Economic Partnership fully endorses the proposed amendments to the current SBA legislation that would open up, enhance and efficiently deliver disaster assistance to small businesses.

Sincerely,

SCOTT MARTINEZ
President, North Louisiana Economic Partnership.

BAY AREA HOUSTON,
ECONOMIC PARTNERSHIP,
Houston, TX, February 13, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Dear SENATOR LANDRIEU: The Texas economy has outperformed the rest of the country not only over the long term but also during the recent recession. Our pro-business climate has been a huge contributing factor to that, and so have Texas' small businesses. From 2002–2009, small businesses of fewer than 10 employees fueled the Texas employment engine, adding nearly 800,000 new jobs. When disaster strikes the Gulf Coast, as it did with Hurricanes Katrina, Rita, Gustav, and Ike, our small businesses are hit hard. The sooner they are able to recover the better it is for the region, the state, and the nation.

This is why I am writing to support your proposed legislative amendments to the disaster assistance provisions in the Small Business Act (15 USC 631 et seq). Section 1 of the bill addresses collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. This would certainly help to reduce anxiety on the part of small business owners and their families who have already experienced enough stress through damage to or total destruction of their businesses.

Section 2 of the bill includes the provision that authorizes the Small Business Administration to allow out-of-state small business development centers to provide assistance in presidentially-declared disaster areas, which is currently not allowed. When Hurricane Ike devastated our region in September 2008, we welcomed any and all kinds of disaster relief. The northeast just experienced a similar disaster with Hurricane Sandy. Utility crews from across the nation responded quickly to each. State lines should never be used to prevent aid from reaching disaster victims. The majority of the membership of our organization is comprised of small businesses. On their behalf, we fully endorse this provision.

Thank you for working to keep America's small businesses strong and helping them to recover from major storms that we know will strike again.

Sincerely,

BOB MITCHELL,
President, Bay Area Houston Economic Partnership.

SWLA ECONOMIC
DEVELOPMENT ALLIANCE,
Lake Charles, LA, February 25, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU, The Southwest Louisiana Economic Development Alliance welcomes the opportunity to comment on the proposed amendments to the disaster assistance provisions in the Small Business Act (15 US 631 et seq.). As we learned from Hurricanes Rita and Ike, the sooner our small businesses are able to recover, the better it is for the region, the state and the nation.

We fully endorse the proposed amendment to Section 1 of the bill regarding collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Allowing business assets to act as collateral will promote greater utilization of the loans; leading to faster economic recovery.

Under Section 2 of the bill, Small Business Development Centers (SBDCs) are limited in their ability to provide service across state lines. This prevents SBDCs in affected areas from being able to draw upon the resources available from their colleagues nationwide. Louisiana SBDCs have great experience in

disaster recovery assistance and should not be prevented from providing assistance to their colleagues outside of Louisiana in the event of disaster. Therefore, we fully support this provision.

About 85% of the members of the Chamber SWLA are small businesses. We applaud your efforts to protect small businesses in the wake of disasters and thank you for continuing to be a strong advocate on their behalf.

Sincerely,

GEORGE SWIFT,
President/CEO,
SWLA Economic Development Alliance.

By Mr. ROCKEFELLER (for himself and Mr. BLUMENTHAL):

S. 418. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise to introduce the Do-Not-Track Online Act of 2013. This bill is a critical step towards furthering consumer privacy. It empowers Americans to control their personal information online and provides them with the ability to prevent online companies from collecting and using that information for profit.

Do-not-track is a simple concept. It allows consumers, with a simple click of the mouse, to tell every company that participates in the vast online ecosystem, ''Do not collect information about me. I care about my privacy. My personal information is not for sale. And I do not want my information used in ways I do not expect or approve.'' Under this bill, online companies would have to honor that user declaration or face penalties enforced by the Federal Trade Commission, FTC, or State Attorneys General.

This bill is necessary because the privacy of Americans is increasingly under assault as more and more of their daily lives are conducted online. Whether it is a person at home searching for a new job or home, a parent researching her sick child's symptoms and treatments using a health application, or a teenager using her smartphone while riding the subway, online companies are collecting massive amounts of information, often without consumers' knowledge or consent. A vast array of companies that consumers have never heard of are surreptitiously collecting this information in numerous ways: third-party advertising networks place ''cookies'' on computer web-browsers to track the websites that consumers have visited; analytic and marketing companies identify individual computers by recognizing the unique configuration, or ''fingerprint,'' of web-browsers; and software applications installed on mobile devices, colloquially known as ''apps,'' collect, use, and share information about consumers' precise locations, contact lists, photographs, and other personal matters. All of this information can be combined and stored on computer servers around the world and used for a variety of purposes, ranging from website analytics to online behavioral advertising to the creation of comprehensive dossiers by data brokers that build and sell personal profiles about hundreds of millions of individual Americans.

My bill would empower consumers, if they so choose, to stem the tide. It would give them the means to prohibit the collection of their information from the start. Consumers would be able to tell companies collecting their personal information that they want those collection practices to stop. At the same time, the bill would preserve the ability of those online companies to conduct their business and deliver the content and services that consumers have come to expect and enjoy. The bill would grant the FTC rulemaking authority to use its expertise to protect the privacy interests of consumers while addressing the legitimate needs of industry.

The key to this bill is its simplicity. For over a decade in the Senate Commerce Committee, which I chair, we have tried to determine how online companies can provide clear and conspicuous notice to consumers about their information practices and—once this notice has been given—further determine how consumers can either opt-in or opt-out of those information collection practices. Yet today, privacy policies are still far too long, too complicated, and too full of technical legalese for any reasonable consumer to read, let alone understand. The failures of these notices are even clearer when placed on the exploding number of mobile devices on which consumers have grown to rely. My bill avoids this messy ''rabbit hole'' of policy considerations and creates an easy mechanism that gives consumers the opportunity to simply say ''no thank you'' to anyone and everyone collecting their online information. Period.

Let me also say a few words about what this bill does not do. My bill would not ''break the Internet,'' as I am sure we will hear from opponents. The truth is that my bill makes every necessary accommodation for online companies to continue providing content and services to consumers. For instance, websites and applications would still be able collect data to deliver the content and functionality that consumers have requested, perform internal analytics, improve performance, and prevent fraud. My bill would also allow online companies to collect and maintain consumer information when it has been voluntarily provided by the consumer. They could also collect data that is truly anonymous. Finally, consumers could allow companies they trust to collect and use their information by giving specific consent that overrides a general do-not-track preference. But, when consumers say that they do not want to be tracked, online companies would no longer be allowed to ignore this request and collect and use this information for any extraneous purpose. Moreover, these companies would be obligated to immediately destroy or anonymize the information once it is no longer needed to provide the service requested.

I think it is worth noting that since 2010, the FTC has called for a do-not-track solution. The commission has stated that any effective do-not-track system should be simple, easy to use, and persistent, and that, if implemented, it should prevent the collection of consumers' online data. The private sector has also taken notice and similarly recognized the utility of do-not-track for its users. Nearly every popular web browser now allows consumers to affirmatively declare a do-not-track preference to websites. The problem is that online companies have no legal obligation to honor this request and, in fact, many have gone so far as to outright refuse to do so. In February 2012, industry leaders stood at the White House and publicly declared their commitment to honor do-not-track requests from web browsers. Yet since that time, industry has failed to live up to those commitments. The online advertising industry has articulated huge exemptions to its pledge to limit the collection of information—exceptions that undermine the very self-regulatory programs the industry has promoted as effective. This industry has emphasized consumer choice yet has made statements publicly refusing to honor new do-not-track browser features. My bill would put an end to this gamesmanship and nonsense.

My bill is only part of the ongoing discussion on consumer privacy in Congress. It is simple, yet powerful. It allows consumers, if they choose, and I should emphasize that many will not make such a choice, to stop the mind-boggling number of online companies that are collecting vast amounts of their information. It gives consumers an easy-to-use tool that will implement their choices effectively in a complex, rapidly-changing online world. It prohibits those lurking in the cyber-shadows from profiting off of the personal, private information of ordinary Americans. I look forward to working with my colleagues on this and other privacy legislative efforts in the Commerce Committee and on the Senate floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 418

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Do-Not-Track Online Act of 2013''.

SEC. 2. REGULATIONS RELATING TO ''DO-NOT-TRACK'' MECHANISMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act,

the Federal Trade Commission shall promulgate—

(1) regulations that establish standards for the implementation of a mechanism by which an individual can simply and easily indicate whether the individual prefers to have personal information collected by providers of online services, including by providers of mobile applications and services; and

(2) rules that prohibit, except as provided in subsection (b), such providers from collecting personal information on individuals who have expressed, via a mechanism that meets the standards promulgated under paragraph (1), a preference not to have such information collected.

(b) EXCEPTION.—The rules promulgated under paragraph (2) of subsection (a) shall allow for the collection and use of personal information on an individual described in such paragraph, notwithstanding the expressed preference of the individual via a mechanism that meets the standards promulgated under paragraph (1) of such subsection, to the extent—

(1) necessary to provide a service requested by the individual, including with respect to such service, basic functionality and effectiveness, so long as such information is anonymized or deleted upon the provision of such service; or

(2) the individual—

(A) receives clear, conspicuous, and accurate notice on the collection and use of such information; and

(B) affirmatively consents to such collection and use.

(c) FACTORS.—In promulgating standards and rules under subsection (a), the Federal Trade Commission shall consider and take into account the following:

(1) The appropriate scope of such standards and rules, including the conduct to which such rules shall apply and the persons required to comply with such rules.

(2) The technical feasibility and costs of—

(A) implementing mechanisms that would meet such standards; and

(B) complying with such rules.

(3) Mechanisms that—

(A) have been developed or used before the date of the enactment of this Act; and

(B) are for individuals to indicate simply and easily whether the individuals prefer to have personal information collected by providers of online services, including by providers of mobile applications and services.

(4) How mechanisms that meet such standards should be publicized and offered to individuals.

(5) Whether and how information can be collected and used on an anonymous basis so that the information—

(A) cannot be reasonably linked or identified with a person or device, both on its own and in combination with other information; and

(B) does not qualify as personal information subject to the rules promulgated under subsection (a)(2).

(6) The standards under which personal information may be collected and used, subject to the anonymization or deletion requirements of subsection (b)(1)—

(A) to fulfill the basic functionality and effectiveness of an online service, including a mobile application or service;

(B) to provide the content or services requested by individuals who have otherwise expressed, via a mechanism that meets the standards promulgated under subsection (a)(1), a preference not to have personal information collected; and

(C) for such other purposes as the Commission determines substantially facilitates the functionality and effectiveness of the online service, or mobile application or service, in a manner that does not undermine an individual's preference, expressed via such mechanism, not to collect such information.

(d) RULEMAKING.—The Federal Trade Commission shall promulgate the standards and rules required by subsection (a) in accordance with section 553 of title 5, United States Code.

SEC. 3. ENFORCEMENT OF "DO-NOT-TRACK" MECHANISMS.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of a rule promulgated under section 2(a)(2) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Except as provided in subparagraph (C), any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) NONPROFIT ORGANIZATIONS.—The Federal Trade Commission shall enforce this Act with respect to an organization that is not organized to carry on business for its own profit or that of its members as if such organization were a person over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)).

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule promulgated under section 2(a)(2) in a practice that violates the rule, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such rule by such person;

(B) to compel compliance with such rule;

(C) to obtain damages, restitution, or other compensation on behalf of such residents;

(D) to obtain such other relief as the court considers appropriate; or

(E) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—Subject to subparagraph (B), for purposes of imposing a civil penalty under paragraph (1)(E) with respect to a person that violates a rule promulgated under section 2(a)(2), the amount determined under this paragraph is the amount calculated by multiplying the number of days that the person is not in compliance with the rule by an amount not greater than $16,000.

(B) MAXIMUM TOTAL LIABILITY.—The total amount of civil penalties that may be imposed with respect to a person that violates a rule promulgated under section 2(a)(2) shall not exceed $15,000,000 for all civil actions brought against such person under paragraph (1) for such violation.

(C) ADJUSTMENT FOR INFLATION.—Beginning on the date on which the Bureau of Labor Statistics first publishes the Consumer Price Index after the date that is 1 year after the date of the enactment of this Act, and annually thereafter, the amounts specified in subparagraphs (A) and (B) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Federal Trade Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(4) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of a rule promulgated under section 2(a)(2), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(7) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. 4. BIENNIAL REVIEW AND ASSESSMENT.

Not later than 2 years after the effective date of the regulations initially promulgated under section 2, the Federal Trade Commission shall—

(1) review the implementation of this Act;

(2) assess the effectiveness of such regulations, including how such regulations define or interpret the term ''personal information'' as such term is used in section 2;

(3) assess the effect of such regulations on online commerce; and

(4) submit to Congress a report on the results of the review and assessments required by this section.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 419. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from Vermont, Senator LEAHY to introduce the Cluster Munitions Civilian Protection Act of 2013.

Our legislation places common sense restrictions on the use of cluster munitions. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than one percent.

In addition, the rules of engagement must specify that the cluster munitions will only be used against clearly defined military targets; and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

Our legislation also includes a national security waiver that allows the President to waive the prohibition on the use of cluster munitions with a failure rate of more than one percent, if he determines it is vital to protect the security of the United States to do so.

However, if the President decides to waive the prohibition, he must issue a report to Congress within 30 days on the failure rate of the cluster munitions used and the steps taken to protect innocent civilians.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual ''bomblets.''

They are intended for attacking enemy troop and armor formations spread over a half mile radius.

But, in reality, they pose a deadly threat to innocent civilians.

In Afghanistan, between October 2001 and November 2002, 127 civilians lost their lives due to cluster munitions, 70 percent of them under the age of 18.

An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed by cluster munitions since 1991.

During the 2006 war in Lebanon, Israeli cluster munitions, many of them manufactured in the U.S., injured and killed 343 civilians.

Sadly, Syria is just the latest example.

According to Human Rights Watch, the Syrian military has used air-dropped and ground-based cluster munitions near or in civilian areas.

In October, residents of Taftanaz and Tamane reported that helicopters dropped cluster munitions on or near their towns. One resident told Human Rights Watch:

> On October 9, I heard a big explosion followed by several smaller ones coming from Shelakh field located at the north of Taftanaz. We went to see what happened. We saw a big [bomb] cut in half and several [bomblets] that were not detonated. I personally found one that was not exploded. There were small holes in the ground. The holes were dispersed and spread over 300 meters.

Another resident reported that an air-dropped cluster munitions released bomblets that landed between two neighboring schools.

Last month, Human Rights Watch issued another report that Syrian forces used ''notoriously indiscriminate'' ground-based cluster munitions near Idlib and Latamenh, a town near Hama.

Not surprisingly, the residents of these towns also reported that many of the bomblets were dispersed over a wide area, failed to explode, and killed or maimed innocent civilians.

One resident of Latamneh told Human Rights Watch:

> I heard a big explosion followed by smaller ones. . . . I saw wounded people everywhere and small bombs covering the streets. The damage caused to the buildings was minimal. I saw a lot of unexploded bomblets.

One civilian was killed during the attack and 15 more, including women and children, were wounded. Another civilian was later killed by an unexploded bomblet. One video shows a baby with shrapnel along his right arm.

Videos taken after the incident also show that the civilians who came across the munitions were unaware of the deadly power of an unexploded bomblet.

Men, and even children, can be seen handling these weapons as if they were toys or simply souvenirs from the war.

Now, the United States has rightly condemned the Syrian military's use of cluster munitions against innocent civilians.

However, our moral leadership is hampered by the fact that we continue to maintain such a large arsenal of these deadly weapons and our continued resistance to international efforts to restrict their use.

In fact, the United States maintains an estimated 5.5 million cluster munitions containing 728 million submunitions. These bomblets have an estimated failure rate of between 5 and 15 percent.

According to the most recent data, only 30,900 of these 728 million submunitions have self-destruct devices that would ensure a less than one percent failure rate.

That accounts for only 0.00004 percent of the U.S. arsenal.

So, the technology exists for the U.S. to meet the one percent standard, but our arsenal still overwhelmingly consists of cluster bombs with high failure rates.

How then, do we convince Syria not to use these deadly weapons?

While we wait, the international community has taken action.

On August 1, 2010, the Oslo Convention on Cluster Munitions—which would prohibit the production, use, and export of cluster munitions and requires signatories to eliminate their arsenals within eight years—formally came into force. To date, it has been signed by 111 countries and ratified by 77 countries.

This group includes key NATO allies such as Canada, the United Kingdom, France, and Germany, who are fighting alongside our troops in Afghanistan.

It includes 33 countries that have produced or used cluster bombs.

But it does not include the United States.

The United States chose not to participate in the Oslo process or sign the treaty.

This is unacceptable.

Instead, the Pentagon continues to assert that cluster munitions are ''legitimate weapons with clear military utility in combat.''

Recognizing that the United States could not remain silent in the face of widespread international efforts to restrict the use of cluster munitions, Secretary of Defense Robert Gates issued a new policy on cluster munitions in June, 2008 stating that, after 2018, the use, sale, and transfer of cluster munitions with a failure rate of more than 1 percent would be prohibited.

This policy is a step in the right direction, but would still allow the Pentagon to use cluster bombs with high failure rates for five more years.

That runs counter to our values. I believe the administration should take another look at this policy.

In fact, on September 29, 2009, Senator LEAHY and I were joined by 14 of our colleagues in sending a letter to President Obama urging him to conduct a thorough review of U.S. policy on cluster munitions.

On April 14, 2010, we received a response from then National Security Advisor Jim Jones stating that the administration will undertake this review following the policy review on U.S. landmines policy.

The administration should complete this review without delay.

Until then, we are still prepared to use these weapons with well-known failure rates and significant risks to innocent civilians?

What does that say about us?

The fact is, cluster munition technologies already exist that meet the one percent standard. Why do we need to wait until 2018?

This delay is especially troubling given that in 2001, former Secretary of Defense William Cohen issued his own

policy on cluster munitions stating that, beginning in fiscal year 2005, all new cluster munitions must have a failure rate of less than one percent.

Unfortunately, the Pentagon was unable to meet this deadline and Secretary Gates' policy essentially postpones any meaningful action until 2018.

If we do nothing, close to twenty years will have passed since the Pentagon first recognized the threat these deadly weapons pose to innocent civilians.

We can do better.

First, it should be noted that in 2007, Congress passed, and President Bush signed into law, the FY 2008 Consolidated Appropriations Act, which included a provision that prohibits the sale and transfer of cluster bombs with a failure rate of more than one percent.

That ban has been renewed on an annual basis and remains on the books.

Our legislation simply moves up the Gates policy by five years and extends the ban on the sale and transfer of cluster munitions with high failure rates to our own arsenal.

For those of my colleagues who are concerned that it may be too soon to enact a ban on the use of cluster munitions with failure rates of more than 1 percent, I point out again that our bill allows the President to waive this restriction if he determines it is vital to protect the security of the United States to do so.

I would also remind my colleagues that the United States has not used cluster munitions in Iraq since 2003 and has observed a moratorium on their use in Afghanistan since 2002.

In conclusion, let me say that Senator LEAHY and I remain as committed as ever to raising awareness about the threat posed by cluster munitions and to pushing the United States to enact common-sense measures to protect innocent civilians. This body constantly talks about America's moral leadership, and this is the perfect opportunity to exercise it.

Senator LEAHY and I continue our efforts for people like Phongsavath Souliyalat.

Last year, former Secretary of State Hillary Rodham Clinton traveled to Laos and met Phongsavath, a 19-year old Lao man who lost his eyesight and his hands to a bomblet just three years before.

The bomblet that injured Phongsavath was dropped more than 30 years ago during the Vietnam War. It lay unexploded, a de facto landmine, until his 16th birthday.

Sadly, he is not alone. The U.S. dropped 270 million bomblets over Laos, and 30 percent failed to explode.

According to an article from the Los Angeles Times, civilians in one-third of Laos are threatened by unexploded ordinance, and only one percent of that area has been cleared.

Since the Vietnam War, more than 20,000 people have been killed or injured by these deadly weapons. All of them were innocent civilians that the United States did not intend to target.

After Phongsavath described the suffering of those who, like him, had been injured by unexploded bomblets, Secretary Clinton replied: ''We have to do more.''

I agree wholeheartedly. As a first step, Congress should pass the Cluster Munitions Civilian Protection Act of 2013. I urge my colleagues to support this important initiative.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from California, Senator FEINSTEIN, in introducing the Cluster Munitions Civilian Protection Act of 2013. It is identical to the bill that she and I have introduced in prior years, and I commend her for her persistence on this important humanitarian issue.

I come to this issue having devoted much effort over many years to shining a spotlight on and doing what can be done to help innocent victims of war. In the last century, and continuing into this new century, noncombatants increasingly have borne the brunt of the casualties in armed conflicts across the globe. Limiting the use of weapons that are inherently indiscriminate, such as landmines, and that have indiscriminate effects, such as cluster munitions, are tangible, practical, meaningful things we can do to reduce these unnecessary casualties.

Cluster munitions, like any weapon, have some military utility. But anyone who has seen the indiscriminate devastation that cluster munitions cause over wide areas understands the unacceptable threat they pose to noncombatants. These are not the laser guided weapons the Pentagon showed destroying their targets during the invasion of Baghdad. To the contrary. Cluster munitions can kill and maim anyone within the 360 degree range of flying shrapnel.

There is the horrific problem of cluster munitions that fail to explode as designed and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child, or a farmer.

Even now, in Laos today people are still being killed and maimed by millions of U.S. cluster munitions left from the 1970s. That legacy, resulting from years of secret bombing of a peaceful, agrarian people who posed no threat to the United States, contaminated more than a third of Laos' agricultural land and cost countless innocent lives. It is shameful that we have contributed less in the past 35 years to clean up these deadly remnants of war than we spent in a few days of bombing.

Current law prohibits U.S. sales, exports and transfers of cluster munitions that have a failure rate exceeding 1 percent. The law also requires any sale, export or transfer agreement to include a requirement that the cluster munitions will be used only against military targets.

The Pentagon continues to insist that the United States should retain the ability to use millions of cluster munitions in its arsenal which have estimated failure rates of 5 to 20 percent. It has pledged to meet the 1 percent failure rate for U.S. use of cluster munitions in 2018.

Like Senator FEINSTEIN I reject the notion that the United States can justify using antiquated weapons that so often fail, so often kill and injure innocent people including children, and which many of our allies have renounced. That is not the kind of leadership the world needs and expects from the United States. If we have learned anything from Afghanistan it is that harming civilians, even unintentionally, creates enemies among those whose support we need, and undermines the mission of our troops.

Senator FEINSTEIN's and my bill would apply the 1 percent failure rate to U.S. use of cluster munitions beginning on the date of enactment. However, our bill permits the President to waive the 1 percent requirement if the President certifies that it is vital to protect the security of the United States. I would hope the Pentagon would recognize that this is in its best interest, and will work with us by supporting this reasonable step.

Since December 3, 2008, when the Convention on Cluster Munitions opened for signature in Dublin, at least 111 countries have signed the treaty including Great Britain, Germany, Canada, Norway, Australia and other allies of the United States. However, the Bush Administration did not participate in the negotiations that culminated in the treaty, and the Obama Administration has not signed it.

Some have dismissed the Cluster Munitions Convention as a pointless exercise, since it does not yet have the support of the United States and other major powers such as Russia, China, Pakistan, India and Israel. These are some of the same critics of the Ottawa treaty banning antipersonnel landmines, which the United States and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold, and stockpiled—and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

It is important to note that the United States today has the technological ability to produce cluster munitions that meet the requirements of our bill, as well as of the treaty. What is lacking is the political will to act. There is no excuse for continuing to use cluster munitions that cause unacceptable harm to civilians.

I urge the Obama administration to review its policy on cluster munitions and put the United States on a path to

join the treaty as soon as possible. In the meantime, our legislation would be an important step in the right direction.

I want again to thank and commend Senator FEINSTEIN, who has shown such passion and steadfastness in raising this issue and seeking every opportunity to protect civilians from these indiscriminate weapons.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. CORKER, and Mr. PAUL):

S. 421. A bill to prohibit the Corps of Engineers from taking any action to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I am introducing legislation along with Senator MCCONNELL, Senator PAUL, and Senator CORKER, to prevent the U.S. Army Corps of Engineers from restricting fishing rights in some of the best fishing areas in the States of Tennessee and Kentucky below 10 dams along the Cumberland River.

I have talked with the Corps several times about this. They have told me the only solution is legislation. I am hoping there is some other solution by reasonable compromise.

But I am taking the Corps's advice. On Tuesday, Congressman ED WHITFIELD, of Kentucky, introduced legislation on this matter, and so I am introducing similar legislation today.

I have also drafted language that could be included in an appropriations bill that would prevent the Corps of Engineers from using any funds to restrict fishing in what is called the tailwaters below these 10 Corps of Engineers dams on the Cumberland River.

Today I spoke with the Secretary of the Army, John McHugh. I urged him to have the Corps give Congress enough time to consider this matter, perhaps to work out something with the Corps by compromise or, if not, to pass legislation.

On Monday, I am meeting with the Assistant Secretary of the Army, Jo-Ellen Darcy, who is in charge of the Corps of Engineers, to ask that the Corps stop taking any further action to build physical barriers along the Cumberland River.

Earlier, I met with James DeLapp, the colonel who is the commander of the Nashville District. Then I met, along with Congressman WHITFIELD and Congressman COOPER of Nashville, TN, with MG Michael Walsh, who is the deputy commanding general. I have had a number of meetings on this subject, and I am determined to get some result, one way or the other.

I am delighted to have the Republican leader, Senator MCCONNELL, my colleague, Senator CORKER from Tennessee, and Senator RAND PAUL of Kentucky as cosponsors on the legislation.

One may say, with a large number of problems facing our country—from Iran to the sequester—why is a Senator—in fact, four, and a number of Congressmen interested in fishing?

There are 900,000 Tennesseeans who have fishing licenses, and one of my jobs is to represent them. I know and they know these are some of the best fishing areas in our State.

This is an area where grandfathers and grandsons and granddaughters go on Saturdays and go during the week. There are lots of Tennesseeans who consider these prize properties and their lands. These are public lands, and they feel they have a right to be there.

The problem is that the Corps of Engineers wants to erect physical barriers below the dams to keep the fishermen out of the area that is just below the dam.

The Corps' goal is laudable. The goal is to improve safety, they say. We all support safety, but there are much better solutions than this.

Let me give an analogy. When you have a railroad crossing, you do not keep the gate down at the railroad crossing 100 percent of the time. The track is not dangerous if the train is not coming.

The water comes through these dams only 20 percent of the time, and the water is not dangerous if the water is not spilling through the dams. So if we kept the gate down at the railroad crossing 100 percent of the time, we would never be able to travel anywhere. That is the same sort of reasoning we have here.

From Washington, the Department of the Army is saying they have a policy, which they have had since 1996—which they have never applied on the Cumberland River—that suddenly they have decided, after all these years, they have to close the fishing area 100 percent of the time, even though it might be dangerous only 20 percent of the time.

I am not the only one who thinks this is an unreasonable policy.

Last week, I went to Old Hickory Dam, near Nashville. About 150 fishermen were there with me on the banks of the Cumberland River. I met with the Corps officials. They turned the water on so I could see it spilling through the dam. Then they turned it off. I met with Ed Carter, the director of the Tennessee Wildlife Resources Agency. I met with Mike Butler, the chief executive of the Tennessee Wildlife Federation. I have talked with the Kentucky wildlife people and this is what they say. They think the Corps' plans to improve safety are so unreasonable that the wildlife agencies will not even help them enforce it. But they say, on the other hand, there are reasonable ways to improve safety; that is, to treat the waters below the dam the way the Tennessee Valley Authority does, for example, which is to erect large signs—some of which already exist at Old Hickory Dam—blow the siren when the water is coming through. You can close the parking lot. You could patrol the area. There are lots of ways to put the gate down, in effect, on these fishing areas 20 percent of the time. That makes a lot of sense, and the local agencies are willing to help do that.

Our legislation makes clear that for purposes of this act, installing and maintaining sirens, strobe lights, and signage for alerting the public of hazardous waters shall not be considered a part of the prohibition. It makes no sense to take these public lands and say to people: Well, the lawyers came in and said we need to be careful. Of course we need to be careful; however, being careful does not mean you keep the gate down over the railroad crossing 100 percent of the time, and it doesn't mean you close the area to fishing 100 percent of the time when it is dangerous only 20 percent of the time.

I am also concerned about the $2.6 million the Corps needs to transfer from other parts of its budget to put up these physical barriers. Where is the money coming from? I thought we were in the middle of a big sequester, a big budget crunch. I thought we were out of money. One of the areas which has some of the most difficult problems to deal with is the Department of the Army. This is no time to be wasting money building barriers that the wildlife people in Tennessee and Kentucky, whose job it is to encourage boat safety, think are unreasonable.

I am doing what the Corps has said needs to be done, which is to provide legislation. I look forward to continuing to work with the Corps of Engineers. My hope is that we can work out a reasonable solution with the wildlife agencies.

The county judges on both sides of the border are very involved in this. They see the economic benefit that comes from the large number of people who visit those areas for recreational purposes. They leave their dollars behind. This creates good jobs in Tennessee and Kentucky.

Basically, these are public waters. Tennessee and Kentucky fishermen ought to have access to them, and there shouldn't be an edict from Washington that puts the gate down the railroad crossing 100 percent of the time. I am going to do my best to see that doesn't stand. I hope we can work it out, but if we cannot, I am glad to introduce this legislation with Senator MCCONNELL, Senator CORKER, and Senator PAUL. The same legislation is in the House of Representatives with Congressman WHITFIELD. I look forward to my meeting Monday with the Assistant Secretary of the Army.

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

S. 421

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to Fish Act''.

SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, shall not take any action to establish a restricted area prohibiting public access to waters downstream of a dam owned by the Corps of Engineers.

(b) EXCLUSION.—For purposes of this Act, installing and maintaining sirens, strobe lights, and signage for alerting the public of hazardous water conditions shall not be considered to be an action to establish a restricted area under subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section shall apply to an action described in subsection (a) on or after August 1, 2012.

(2) EXISTING RESTRICTIONS.—If the Secretary of the Army, acting through the Chief of Engineers, has taken an action described in subsection (a) during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area resulting from the action; and

(B) remove any barriers constructed in connection with the restricted area.

By Mrs. FEINSTEIN:

S. 431. A bill to authorize preferential treatment for certain imports from Nepal, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Nepal Trade Preferences Act.

This legislation is simple and straightforward. It grants duty-free status to imports of Nepalese garments for a seven year period.

As a friend of Nepal and the Nepalese people for over 25 years, I believe this bill will promote economic prosperity and lasting political stability in one of the world's poorest countries.

Nepal has a per capita income of $540.

Approximately 25 percent of the Nepal's 24 million people live in poverty.

The unemployment rate in Nepal stands at a staggering 47 percent; and most Nepalese live on $3 a day.

Nepal's poverty was also compounded by a devastating, 10-year Maoist insurgency which resulted in the deaths of 13,000 people.

Thankfully, on November 21, 2006 Nepal's government and Maoist rebels signed a peace accord.

Two years later, Nepal became a republic and a Constituent Assembly was elected to draft a new constitution.

Unfortunately, this momentum has stalled and Nepal remains without a new constitution.

Challenges persist for Nepal's economy.

In 2005, in accordance with an international agreement, all quotas on garment imports were removed.

This has had a devastating impact on Nepal's garment industry as U.S. importers have shifted their orders to China, India and other suppliers with cheaper labor markets.

The number of people employed by the Nepalese garment industry dropped from over 100,000 people—half of them women to between 5,000 and 10,000.

Garment exports fell from approximately $139 million in 2000 to $47 million in 2011.

The number of garment factories plummeted from 450 to 10.

The U.S. share of Nepalese garment exports dropped from 90 percent to 21 percent.

Despite Nepal's poverty and the collapse of the garment industry, Nepalese garments are still subject to an average U.S. tariff of 11.7 percent and can be as high as 32 percent.

In essence, we are penalizing an impoverished country which cannot afford it. This makes no sense.

I would point out that U.S. tariffs on Nepalese garments stand in contrast to the European Union, Canada, and Australia which allow Nepalese garments into their markets duty free.

It should come as no surprise, then, that while the U.S. share of Nepalese garment exports has fallen, the European Union's share has risen from 18.14 percent in 2006 to 46 percent in 2010.

The purpose of the Nepal Trade Preferences Act is to ensure that we provide Nepal with the same trade preferences afforded to it by other developed countries. No more, no less.

Humanitarian and development assistance programs should be critical components of our efforts to help Nepal.

But we should also help the Nepalese people help themselves and open the U.S. market to a once thriving export industry.

In the end, economic growth and prosperity can be best achieved when Nepal is given the chance to compete and grow in a free and open global marketplace.

Success in that marketplace will lead to a lesser dependence on foreign aid and encourage Nepal to develop other viable export industries.

With this legislation, the United States can make a real difference now to help revitalize the garment industry in Nepal and promote economic growth and higher living standards.

The impact on the domestic industry will be minimal. At most, Nepalese garments have accounted for 0.26 percent of all garment imports in the United States generating $14 million in revenue.

Nepal will continue to be a small player in the U.S. market.

But to allay any concerns that Nepalese garments will somehow flood the market, this bill does place sensible restrictions on the amount of garments that will receive duty free status. That amount will rise every year up to a specific percentage of all U.S. garment imports.

By passing this legislation, we will help ensure that the garment industry will be a big player in contributing to Nepal's economic growth and development. This will be more jobs and a rising standard of living for the Nepalese people.

Let there be no doubt, it is my hope that this bill will also spur Nepal's political parties to come together, resolve their differences, and finalize a new constitution. Lasting political stability is essential if Nepal is to fully realize the economic benefits of this legislation.

Almost 7 years ago, the Nepalese people embraced peace and reconciliation. Let us show our solidarity with them and demonstrate our commitment to the success of the peace process by passing this commonsense measure.

I urge my colleagues to support the Nepal Trade Preferences Act.

By Mrs. FEINSTEIN:

S. 432. A bill to extend certain trade preferences to certain least-developed countries in Asia and the South Pacific, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Asia-South Pacific Trade Preferences Act of 2013, a bill to promote economic growth, democracy, and political stability in some of the world's poorest countries.

This legislation will provide duty-free and quota-free benefits for garments and other products similar to those afforded to beneficiary countries under the African Growth and Opportunity Act, AGOA.

The countries covered by this legislation are 13 Least Developed Countries, LDCs, as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program: Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Laos, Maldives, Nepal, Samoa, Solomon Islands, East Timor, Tuvalu, and Vanuatu.

These countries are among the poorest in the world with the bulk of their citizens living on less than $1 a day.

Despite this widespread poverty, their exports are subject to some of the highest U.S. tariffs, averaging around 16 percent.

In fact, these developing countries pay a disproportionate share of U.S. tariffs.

Bangladesh, for example, is the 9th largest contributor of U.S. tariffs even though it is the 46th largest source of U.S. imports.

Cambodia is the 12th largest contributor of U.S. tariffs but ranks as the 60th largest source of U.S. imports.

So, in essence, these two developing countries pay more in U.S. tariffs than many European countries. How is that fair or consistent with our values?

Unfortunately, the United States is the only developed nation that has not provided an enhanced trade preference program to the beneficiary countries in this bill.

Indeed, we maintain duty preference programs for Haiti, the countries of sub-Saharan African and other developing countries and rightly so. These programs are critical components of our efforts to provide hope for millions of people struggling with poverty.

But it makes no sense to exclude other countries at the same level of economic development. We should not hesitate to correct this inequity.

This is not about pitting one developing country against the other. Rather, it is a simple matter of fairness and

ensuring that we help all of those in need.

In fact, this effort goes hand in hand with my long-standing support for a strong and effective foreign aid budget for the United States as an essential tool in helping lift these countries out of poverty and put them on the path to economic prosperity and political stability.

Especially in these difficult fiscal times, however, humanitarian and development assistance should not be the sum total of our efforts.

Make no mistake: these programs help stabilize poor and war-torn countries, save lives, and lay the foundation for future prosperity.

Yet, the key for sustained growth, jobs, and rising standards of living will be the ability of each of these countries to create vital export industries to compete in a free and open global marketplace.

It is clear that the textile and apparel industries in many of the Asia-South Pacific countries in this bill are those industries that hold out the best hope for export growth.

We should help these countries help themselves by opening the U.S. market to their exports as we have done for other developing countries in the past.

By doing so, we will demonstrate the best of American values: reaching out to neighbors in need and helping them to stand on their own two feet.

We will also help ourselves.

First, as these countries become more prosperous, we will see new opportunities for our own exports in their growing markets.

This, in turn, will create jobs and economic growth in our own country.

But if we maintain high tariffs on imports from the Asia-South Pacific countries, those opportunities will likely go to the European Union and other developed countries that already have trade preference programs for these countries.

We should not put ourselves at such a disadvantage.

Second, as the Asia-South Pacific countries become more stable politically, we will help protect U.S. national security interests by preventing failed states which could become breeding grounds for terror.

There is no doubt in my mind that the cost of lowering tariffs on the imports of textile and apparel products from the Asia-South Pacific countries is far less than any military intervention.

We will also help ourselves by securing partners in the fight against global threats such as terrorism, climate change, the HIV/AIDS pandemic, and the proliferation of weapons of mass destruction.

U.S. leadership is essential in those efforts. But they require a global, multilateral response. As these countries grow, they can assume a larger role and contribute more effectively.

When it comes to our national security, every bit of assistance helps.

Finally, at a time of economic uncertainty, by eliminating tariffs on imports from the Asia-South Pacific countries, this bill will help lower prices for the American consumers and provide them with more options.

It will also help the 3 million American workers whose jobs depend on apparel imports.

There is no doubt in my mind that the Asia-South Pacific Trade Preferences Act is a win-win for the U.S. and the Asia-South Pacific countries.

Now, let me address some of the concerns that may be raised about this bill.

First, many of the Asia-South Pacific countries have struggled in the past with corruption, a lack of democracy, human rights abuses, and the absence of rule of law.

Some may ask: why reward these countries with a trade preference program?

Make no mistake. These countries will not automatically receive the trade benefits provided by this legislation.

This legislation has been drafted to ensure that the benefits are granted on a performance-driven basis.

That is, to be eligible, a beneficiary country must demonstrate that it is making continual progress toward establishing rule of law, political pluralism, the right to due process, and a market-based economy that protects private property rights.

So, this legislation would help promote democracy, human rights, and the rule of law while sustaining vital export industries and creating employment opportunities.

The beneficiary countries have a clear incentive to stay on the right path or they will lose the benefits of this bill.

If we ignore any problems, we will sustain the status quo and our efforts will fail.

Finally, whenever we discuss the creation of a new trade preference program, understandable concerns are raised about the impact on domestic manufacturers.

If this bill becomes law, however, the impact on U.S. jobs will be minimal.

Currently, the beneficiary countries under this legislation account for only 4 percent of U.S. textile and apparel imports, compared to 24 percent for China, and 72 percent for the rest of the world.

These countries will continue to be small players in the U.S. market, but the benefits of this legislation will have a major impact on their export economies.

By passing this legislation we will have an opportunity to change lives, protect our national security interests, and help the American consumer. We should seize this opportunity.

I respectfully ask for the support of all my colleagues for this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 63—ENCOURAGING THE NAVY TO COMMISSION THE USS SOMERSET (LPD–25) IN PHILADELPHIA, PENNSYLVANIA

Mr. TOOMEY (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 63

Whereas the USS Somerset (LPD–25) is the ninth and newest amphibious transport dock ship in the San Antonio class;

Whereas the USS Somerset honors the passengers of United Airlines Flight 93 whose actions prevented terrorist hijackers from reaching their intended target, forcing the aircraft to crash in Somerset County, Pennsylvania, on September 11, 2001;

Whereas, in the words of former Secretary of the Navy Gordon England, ''The courage and heroism of the people aboard the flight will never be forgotten and USS Somerset will leave a legacy that will never be forgotten by those wishing to do harm to this country.'';

Whereas the USS Somerset joins the USS New York (LPD–21) and the USS Arlington (LPD–24) in remembering the heroes of September 11, 2001;

Whereas the USS Somerset was christened in July 2012 and will be commissioned when it is put in active service;

Whereas the Navy has cleared Philadelphia, Pennsylvania, as a potential site for the commissioning ceremony of the USS Somerset; and

Whereas Philadelphia is one of the closest ports to Somerset County, and it would be fitting that the commissioning ceremony be held there: Now, therefore, be it

Resolved, That the Senate encourages the Navy to commission the USS Somerset (LPD–25) in Philadelphia, Pennsylvania.

SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 2013, THROUGH SEPTEMBER 30, 2013

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 64

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2013, through September 30, 2013, in the aggregate of $62,295,795, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2013, through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $2,464,069, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $4,179,885, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,787,685, of which amount—

(1) not to exceed $10,267, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $616, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,950,532, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $4,080,061, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,453,383.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,178,904, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $4,693,751, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,866,195, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $5,381,475, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $6,074,429, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend

to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 81, agreed to March 2, 2011 (112th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $5,882,131, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration , to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $1,619,831, of which amount—

(1) not to exceed $43,750, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $7,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $1,524,917, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $1,409,970, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $1,704,661, of which amount not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $3,739,220, of which amount not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2013, through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.—The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this section shall not exceed $1,304,696, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal year 2013, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) in an amount not to exceed $3,850,000, which shall be available for the period March 1, 2013, through September 30, 2013.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the period referred to in subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SEC. 21. SENATE NATIONAL SECURITY WORKING GROUP EXTENSION AND REVISION.

(a) WORKING GROUP RECONSTITUTION.—

(1) IN GENERAL.—The Senate National Security Working Group (in this section referred to as the ''Working Group''), authorized by Senate Resolution 105 of the 101st Congress, 1st session (agreed to on April 13, 1989), as subsequently amended and extended, is hereby reconstituted.

(2) DUTIES.—The Working Group—

(A) shall serve as a forum for bipartisan discussion of current national security issues relating to the jurisdictions of multiple committees of the Senate;

(B) shall conduct regular meetings and maintain records of all meetings and activities;

(C) may authorize members to act as official observers on the United States delegation to any negotiations to which the United States is a party regarding—

(i) the reduction, limitation, or control of conventional weapons, weapons of mass destruction, or the means for delivery of any such weapons;

(ii) the reduction, limitation, or control of missile defenses; or

(iii) export controls;

(D) may study any issues related to national security that the majority leader of the Senate and the minority leader of the Senate jointly determine appropriate;

(E) is encouraged to consult with parliamentarians and legislators of foreign nations and to participate in international forums and institutions regarding the matters described in subparagraphs (C) and (D); and

(F) is not authorized to investigate matters relating to espionage or intelligence operations against the United States, counterintelligence operations and activities, or other intelligence matters within the jurisdiction of the Select Committee on Intelligence under Senate Resolution 400 of the 94th Congress, agreed to on May 19, 1976.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be composed of 20 members, as follows:

(i) 7 Cochairmen, who shall head the Working Group, as follows:

(I) 4 Members of the Senate from the majority party in the Senate (in this section referred to as the ''Majority Cochairmen''), appointed by the majority leader of the Senate.

(II) 3 Members of the Senate from the minority party in the Senate (in this section referred to as the ''Minority Cochairmen''), appointed by the minority leader of the Senate.

(ii) The majority leader of the Senate and the minority leader of the Senate.

(iii) 5 Members of the Senate from the majority party in the Senate, appointed by the majority leader of the Senate.

(iv) 6 Members of the Senate from the minority party in the Senate, appointed by the minority leader of the Senate.

(B) ADMINISTRATIVE COCHAIRMEN.—The majority leader of the Senate shall designate one of the Majority Cochairmen to serve as the Majority Administrative Cochairman, and the minority leader of the Senate shall designate one of the Minority Cochairmen to serve as the Minority Administrative Cochairman.

(C) PUBLICATION.—Appointments and designations under this paragraph shall be printed in the Congressional Record.

(4) VACANCIES.—Any vacancy in the Working Group shall be filled in the same manner in which the original appointment was made.

(b) WORKING GROUP STAFF.—

(1) COMPENSATION AND EXPENSES.—(A) The Working Group is authorized, from funds made available under subsection (c), to employ such staff in the manner and at a rate not to exceed that allowed for employees of a committee of the Senate under paragraph (3) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(e)), and incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(B) Senate Resolution 243, 100th Congress, agreed to July 1, 1987, is amended in section 2(b) by striking the period at the end and inserting ''at a rate not to exceed that allowed for employees of a committee of the Senate under paragraph (3) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(e)).''.

(C) Payments made under this subsection for receptions, meals, and food-related expenses shall be authorized, however, only for those actual expenses incurred by the Working Group in the course of conducting its official duties and functions. Amounts received as reimbursement for such food expenses shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under title 26, United States Code.

(2) DESIGNATION OF PROFESSIONAL STAFF.—

(A) IN GENERAL.—The Majority Administrative Cochairman shall designate one or more professional staff members for each Majority Cochairman of the Working Group, upon recommendations from each such Majority Cochairman. The Minority Administrative Cochairman shall designate one or more professional staff members for each Minority Cochairman of the Working Group, upon recommendations from each such Minority Cochairman.

(B) COMPENSATION OF SENATE EMPLOYEES.—In the case of the compensation of any such professional staff member who is an employee of a Member of the Senate or of a committee of the Senate and who has been designated to perform services for the Working Group, such professional staff member shall continue to be paid by such Member or such Committee, as the case may be, but the account from which such professional staff member is paid shall be reimbursed for the services of such professional staff member (including agency contributions when appropriate) out of funds made available under subsection (c)(2).

(C) DUTIES.—The professional staff members authorized by this paragraph shall serve all members of the Working Group and shall carry out such other functions as their respective Cochairmen may specify.

(D) EXCLUSIVE PARTICIPATION IN OFFICIAL ACTIVITIES.—Except as provided in paragraph (4), only designated staff of the Working Group may participate in the official activities of the Working Group.

(3) LEADERSHIP STAFF.—

(A) IN GENERAL.—The majority leader of the Senate and the minority leader of the Senate may each designate 2 staff members who shall be responsible to the respective leader.

(B) COMPENSATION.—Funds necessary to compensate leadership staff shall be transferred from the funds made available under subsection (c)(3) to the respective account from which such designated staff member is paid.

(4) FOREIGN TRAVEL.—

(A) IN GENERAL.—All foreign travel of the Working Group shall be authorized solely by the majority leader of the Senate and the minority leader of the Senate, upon the recommendation of the Administrative Cochairmen. Participation by Senate staff members in, and access to, all official activities and functions of the Working Group during foreign travel, and access to all classified briefings and information made available to the Working Group during such travel, shall be limited exclusively to Working Group staff members with appropriate clearances.

(B) AUTHORIZATION REQUIRED.—

(i) COMMITTEE STAFF.—No foreign travel or other funding shall be authorized by any committee of the Senate for the use of staff for activities described under this paragraph without the joint written authorization of the majority leader of the Senate and the minority leader of the Senate to the chairman of such committee.

(ii) MEMBER STAFF.—No foreign travel or other funding shall be authorized for the staff of any Member of the Senate, other than Working Group staff, for activities described under this paragraph unless the majority leader of the Senate and the minority leader of the Senate jointly so authorize in writing.

(c) PAYMENT OF EXPENSES.—

(1) IN GENERAL.—The expenses of the Working Group shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved jointly by the Administrative Cochairmen (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate).

(2) AMOUNTS AVAILABLE.—For any fiscal year, not more than $500,000 shall be expended for staff and for expenses (excepting expenses incurred for foreign travel), of which not more than $100,000 shall be available for each Administrative Cochairman and the staff of such Administrative Cochairman, and not more than $60,000 shall be available for each Cochairman who is not an Administrative Cochairman and the staff of such Cochairman.

(3) LEADERSHIP STAFF.—In addition to the amounts referred to in paragraph (2), for any fiscal year, not more than $200,000 shall be expended from the contingent fund of the Senate, out of the account of Miscellaneous Items, for leadership staff as designated in subsection (b)(3) for salaries and expenses (excepting expenses incurred for foreign travel).

(d) SUNSET.—The provisions of this section shall remain in effect until December 31, 2016.

SENATE RESOLUTION 65—STRONGLY SUPPORTING THE FULL IMPLEMENTATION OF UNITED STATES AND INTERNATIONAL SANCTIONS ON IRAN AND URGING THE PRESIDENT TO CONTINUE TO STRENGTHEN ENFORCEMENT OF SANCTIONS LEGISLATION

Mr. GRAHAM (for himself, Mr. MENENDEZ, Ms. AYOTTE, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. RUBIO, Mr. CASEY, Mr. HOEVEN, Mrs. GILLIBRAND, Mr. KIRK, Mr. BLUMENTHAL, Mr. CRAPO, Mr. CARDIN, Ms. COLLINS, Mr. BEGICH, Mr. BLUNT, Mr. BROWN, Mr. WYDEN, Mr. PORTMAN, Mr. MANCHIN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas, on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel;

Whereas, on March 28, 1949, the United States Government recognized the establishment of the new State of Israel and established full diplomatic relations;

Whereas, since its establishment nearly 65 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair, and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas, since the 1979 revolution in Iran, the leaders of the Islamic Republic of Iran have repeatedly made threats against the existence of the State of Israel and sponsored acts of terrorism and violence against its citizens;

Whereas, on October 27, 2005, President of Iran Mahmoud Ahmadinejad called for a world without America and Zionism;

Whereas, in February 2012, Supreme Leader of Iran Ali Khamenei said of Israel, ''The Zionist regime is a true cancer tumor on this region that should be cut off. And it definitely will be cut off.'';

Whereas, in August 2012, Supreme Leader Khamenei said of Israel, ''This bogus and fake Zionist outgrowth will disappear off the landscape of geography.'';

Whereas, in August 2012, President Ahmadinejad said that ''in the new Middle East . . . there will be no trace of the American presence and the Zionists'';

Whereas the Department of State has designated the Islamic Republic of Iran as a state sponsor of terrorism since 1984 and has characterized the Islamic Republic of Iran as the ''most active state sponsor of terrorism'' in the world;

Whereas the Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hizballah, and Shiite militias in Iraq that are responsible for the murder of hundreds of United States service members and innocent civilians;

Whereas the Government of the Islamic Republic of Iran has provided weapons, training, and funding to the regime of Bashar al Assad that has been used to suppress and murder its own people;

Whereas, since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire a nuclear weapons capability;

Whereas, since September 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) has found the Islamic Republic of Iran to be in non-compliance with its safeguards agreement with the IAEA, which Iran is obligated to undertake as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (NPT);

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding of the Government of the Islamic Republic of Iran its full and sustained suspension of all uranium enrichment-related and reprocessing activities and its full cooperation with the IAEA on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas the Government of the Islamic Republic of Iran has refused to comply with United Nations Security Council resolutions or to fully cooperate with the IAEA;

Whereas, in November 2011, the IAEA Director General issued a report that documented ''serious concerns regarding possible military dimensions to Iran's nuclear programme,'' and affirmed that information available to the IAEA indicates that ''Iran has carried out activities relevant to the development of a nuclear explosive device'' and that some activities may be ongoing;

Whereas the Government of Iran stands in violation of the Universal Declaration of Human Rights for denying its citizens basic freedoms, including the freedoms of expression, religion, peaceful assembly and movement, and for flagrantly abusing the rights of minorities and women;

Whereas in his State of the Union Address on January 24, 2012, President Barack Obama stated, ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.'';

Whereas Congress has passed and the President has signed into law legislation imposing significant economic and diplomatic sanctions on Iran to encourage the Government of Iran to abandon its pursuit of nuclear weapons and end its support for terrorism;

Whereas these sanctions, while having significant effect, have yet to persuade Iran to abandon its illicit pursuits and comply with United Nations Security Council resolutions;

Whereas more stringent enforcement of sanctions legislation, including elements targeting oil exports and access to foreign exchange, could still lead the Government of Iran to change course;

Whereas, in his State of the Union Address on February 12, 2013, President Obama reiterated, ''The leaders of Iran must recognize that now is the time for a diplomatic solution, because a coalition stands united in demanding that they meet their obligations. And we will do what is necessary to prevent them from getting a nuclear weapon.'';

Whereas, on March 4, 2012, President Obama stated, ''Iran's leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon.'';

Whereas, on October 22, 2012, President Obama said of Iran, ''The clock is ticking. . . And we're going to make sure that if they do not meet the demands of the international community, then we are going to take all options necessary to make sure they don't have a nuclear weapon.'';

Whereas, on May 19, 2011, President Obama stated, ''Every state has the right to self-defense, and Israel must be able to defend itself, by itself, against any threat.'';

Whereas, on September 21, 2011, President Obama stated, ''America's commitment to Israel's security is unshakeable. Our friendship with Israel is deep and enduring.'';

Whereas, on March 4, 2012, President Obama stated, ''And whenever an effort is made to delegitimize the state of Israel, my administration has opposed them. So there should not be a shred of doubt by now: when the chips are down, I have Israel's back.'';

Whereas, on October 22, 2012, President Obama stated, ''Israel is a true friend. And if Israel is attacked, America will stand with Israel. I've made that clear throughout my presidency . . . I will stand with Israel if they are attacked.'';

Whereas, in December 2012, 74 United States Senators wrote to President Obama ''As you begin your second term as President, we ask you to reiterate your readiness to take military action against Iran if it continues its efforts to acquire a nuclear weapon. In addition, we urge you to work with our European and Middle Eastern allies to demonstrate to the Iranians that a credible and capable multilateral coalition exists that would support a military strike if, in the end, this is unfortunately necessary.''; and

Whereas the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112–150) stated that it is United States policy to support Israel's inherent right to self-defense: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF CONGRESS.

Congress—

(1) reaffirms the special bonds of friendship and cooperation that have existed between the United States and the State of Israel for more than sixty years and that enjoy overwhelming bipartisan support in Congress and among the people of the United States;

(2) strongly supports the close military, intelligence, and security cooperation that President Obama has pursued with Israel and urges this cooperation to continue and deepen;

(3) deplores and condemns, in the strongest possible terms, the reprehensible statements and policies of the leaders of the Islamic Republic of Iran threatening the security and existence of Israel;

(4) recognizes the tremendous threat posed to the United States, the West, and Israel by the Government of Iran's continuing pursuit of a nuclear weapons capability;

(5) reiterates that the policy of the United States is to prevent Iran from acquiring a nuclear weapon capability and to take such action as may be necessary to implement this policy;

(6) reaffirms its strong support for the full implementation of United States and international sanctions on Iran and urges the President to continue and strengthen enforcement of sanctions legislation;

(7) declares that the United States has a vital national interest in, and unbreakable commitment to, ensuring the existence, survival, and security of the State of Israel, and reaffirms United States support for Israel's right to self-defense; and

(8) urges that, if the Government of Israel is compelled to take military action in self-defense, the United States Government

should stand with Israel and provide diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.

SEC. 2. RULES OF CONSTRUCTION.

Nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war.

SENATE RESOLUTION 66—DESIGNATING THE FIRST WEEK OF APRIL 2013 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. BAUCUS (for himself, Mr. TESTER, Mrs. BOXER, Mrs. MURRAY, Mr. REID, Mr. DURBIN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 66

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma and asbestosis and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas, generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 1,100 metric tons of the fibrous mineral for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already have significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana, suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2013 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

AMENDMENTS SUBMITTED AND PROPOSED

SA 23. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 16, to provide for a sequester replacement; which was ordered to lie on the table.

SA 24. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 388, to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 23. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 16, to provide for a sequester replacement; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—DEPARTMENT OF DEFENSE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $40,157,392,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,989,384,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,529,469,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,053,829,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,341,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,875,598,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $659,621,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,728,505,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of

title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,005,077,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,161,765,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,804,145,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $40,479,556,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,894,963,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,983,793,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $31,331,839,000: *Provided*, That not more than $30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $36,480,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this division may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,563,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,140,508,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,246,982,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $272,285,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,227,382,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,075,042,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,493,155,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,516,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $335,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $310,594,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to

be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $529,263,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,133,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $287,543,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,759,000, to remain available until September 30, 2014.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $519,111,000, to remain available until September 30, 2015.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $720,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,414,061,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,429,665,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,687,823,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,624,380,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,980,209,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,936,358,000, to remain available for obligation until September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,066,919,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $719,154,000, to remain available for obligation until September 30, 2015.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program, $564,371,000;

Virginia Class Submarine, $3,217,601,000;

Virginia Class Submarine (AP), $1,652,557,000;

CVN Refueling Overhaul, $1,613,392,000;

CVN Refueling Overhauls (AP), $70,010,000;

DDG–1000 Program, $669,222,000;

DDG–51 Destroyer, $4,048,658,000;

DDG–51 Destroyer (AP), $466,283,000;

Littoral Combat Ship, $1,784,959,000;

LPD–17 (AP), $263,255,000;

Joint High Speed Vessel, $189,196,000;

Moored Training Ship, $307,300,000;

LCAC Service Life Extension Program, $85,830,000; and

For outfitting, post delivery, conversions, and first destination transportation, $309,648,000.

Completion of Prior Year Shipbuilding Programs, $372,573,000.

In all: $15,614,855,000, to remain available for obligation until September 30, 2017: *Provided*, That additional obligations may be incurred after September 30, 2017, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,170,286,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,334,448,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,260,646,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,913,276,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $593,194,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,008,348,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,692,685,000, to remain available for obligation until September 30, 2015.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $189,189,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,427,588,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,646,307,000, to remain available for obligation until September 30, 2014: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,374,286,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic

and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,419,129,000, to remain available for obligation until September 30, 2014: *Provided*, That of the funds made available in this paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $223,768,000, to remain available for obligation until September 30, 2014.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,516,184,000.

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, $697,840,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,240,788,000; of which $30,707,349,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2014, and of which up to $15,954,952,000 may be available for contracts entered into under the TRICARE program; of which $506,462,000, to remain available for obligation until September 30, 2015, shall be for procurement; and of which $1,026,977,000, to remain available for obligation until September 30, 2014, shall be for research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,301,786,000, of which $635,843,000 shall be for operation and maintenance, of which no less than $53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,214,000 for activities on military installations and $31,734,000, to remain available until September 30, 2014, to assist State and local governments; $18,592,000 shall be for procurement, to remain available until September 30, 2015, of which $1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which $627,705,000 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, $1,138,263,000: *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 division.

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, $332,921,000, of which $331,921,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2015, 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, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $542,346,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this division 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 division shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this division 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 division 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 $5,000,000,000 of working capital funds of the Department of Defense or funds made available in this division 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 division: *Provided further*, That no part of the funds in this division 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, 2013: *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 ''Committee Recommended Adjustments'' in the explanatory statement regarding this division, the obligation and expenditure of amounts appropriated or otherwise made available in this division 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 division.

(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 division: *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 division, 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 2013: *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 division, none of the funds provided in this division shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this division, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this division may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. (a) None of the funds provided in this division 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 division 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 division 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 division: *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 division may be used for a multiyear contract executed after the date of the enactment of this division 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 division may be used for a multiyear procurement contract as follows:

F/A–18E, F/A–18F, and EA–18G aircraft; up to 10 DDG–51 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels; SSN–774 Virginia class submarine and government-furnished equipment; CH–47 Chinook helicopter; and V–22 Osprey aircraft variants.

(b) The Secretary of Defense may employ incremental funding for the procurement of Virginia class submarines and government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary of Defense:

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2013, 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 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 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 2014.

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

SEC. 8013. None of the funds made available by this division shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this division shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund

when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this division for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this division solely for the purpose of implementing a Mentor-Protégé 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 division.

SEC. 8016. None of the funds in this division may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this division shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this division, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this division for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this division, not less than $38,634,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,404,000 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) $9,298,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $932,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8023. (a) None of the funds appropriated in this division 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 2013 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 2013, 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 2014 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.

SEC. 8024. None of the funds appropriated or made available in this division 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 division.

SEC. 8025. For the purposes of this division, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating

against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2013. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 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 division shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this division 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, 2014: *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, 2014.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this division for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this division 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 division, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this division shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this division may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

SEC. 8038. None of the funds made available in this division 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. 8039. (a) None of the funds appropriated by this division shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a

most efficient and cost effective organization plan developed by such activity or function;

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

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

(B) $10,000,000; and

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

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

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

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

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

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

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

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

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

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer, $98,400,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer Advance Procurement, $2,500,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': CVN Refueling Overhaul, $14,100,000;

''Procurement of Ammunition, Army, 2011/2013'', $4,500,000;

''Other Procurement, Army, 2011/2013'', $114,848,000;

''Aircraft Procurement, Navy, 2011/2013'', $13,760,000;

''Shipbuilding and Conversion, Navy, 2011/2015'': DDG–51 Destroyer, $215,300,000;

''Weapons Procurement, Navy, 2011/2013'', $21,086,000;

''Aircraft Procurement, Air Force, 2011/2013'', $93,400,000;

''Missile Procurement, Air Force, 2011/2013'', $8,709,000;

''Other Procurement, Air Force, 2011/2013'', $9,500,000;

''Operation and Maintenance, Defense Wide, 2012/XXXX'', $21,000,000;

''Aircraft Procurement, Army, 2012/2014'', $47,400,000;

''Other Procurement, Army, 2012/2014'', $99,608,000;

''Aircraft Procurement, Navy, 2012/2014'', $4,640,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': Littoral Combat Ship, $28,800,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': DDG–51 Destroyer, $83,000,000;

''Weapons Procurement, Navy, 2012/2014'', $25,015,000;

''Other Procurement, Navy, 2012/2014'', $4,800,000;

''Procurement of Ammunition, Navy and Marine Corps, 2012/2014'', $50,703,000;

''Procurement, Marine Corps, 2012/2014'', $135,331,000;

''Aircraft Procurement, Air Force, 2012/2014'', $581,699,000;

''Missile Procurement, Air Force, 2012/2014'', $45,898,000;

''Other Procurement, Air Force, 2012/2014'', $55,800,000;

''Procurement, Defense Wide, 2012/2014'', $16,000,000;

''Research, Development, Test and Evaluation, Army, 2012/2013'', $8,000,000;

''Research, Development, Test and Evaluation, Navy, 2012/2013'', $245,254,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $56,704,000.

SEC. 8041. None of the funds available in this division may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this division may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this division for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this division may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this division may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this division may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this division to the jurisdiction of another Federal agency not financed by this division without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the

United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

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

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

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

SEC. 8050. None of the funds available to the Department of Defense under this division shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this division under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8054. Using funds made available by this division or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

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

SEC. 8056. (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. 8057. (a) None of the funds made available by this division 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. 8058. 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. 8059. Notwithstanding any other provision of law, funds appropriated in this division under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. 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 division.

SEC. 8061. 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. 8062. 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. 8063. None of the funds provided in this division may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. 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. 8065. None of the funds appropriated by this division shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this division under the heading ''Operation and Maintenance, Army'', $133,381,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. 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 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, not to exceed $200,000,000 from funds available under ''Operation and Maintenance, Defense-Wide'' may be transferred to the Department of State ''Global Security Contingency Fund'': *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State ''Global Security Contingency Fund'', notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this division under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $479,736,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $211,000,000 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, $149,679,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $39,200,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this division.

SEC. 8070. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(d) This subsection does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this division under the heading ''Shipbuilding and Conversion, Navy'', $372,573,000 shall be available until September 30, 2013, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy, 2007/2013'': LHA Replacement Program $156,685,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy, 2008/2013'': LPD–17 Amphibious Transport Dock Program $80,888,000; and

(3) Under the heading ''Shipbuilding and Conversion, Navy, 2009/2013'': CVN Refueling Overhauls Program $135,000,000.

SEC. 8072. Funds appropriated by this division, or made available by the transfer of funds in this division, 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 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

SEC. 8073. None of the funds provided in this division 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. 8074. The budget of the President for fiscal year 2014 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. 8075. None of the funds in this division may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8076. In addition to the amounts appropriated or otherwise made available elsewhere in this division, $20,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the

Secretary of Defense that it shall serve the national interest, he shall make grants in the amount specified as follows: $20,000,000 to the United Service Organizations.

SEC. 8077. None of the funds appropriated or made available in this division 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 division: *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. 8078. None of the funds provided in this division 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. 8079. (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. 8080. 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 division.

SEC. 8081. 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. 8082. (a) None of the funds appropriated by this division 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 Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8083. 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. 8084. None of the funds appropriated by this division 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, 2014.

SEC. 8085. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this division 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. 8086. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $10,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $5,000,000 in any fiscal year, the R–1, Research, Development, Test and Evaluation Program; R–2, Research, Development, Test and Evaluation Budget Item Justification; R–3, Research, Development, Test and Evaluation Project Cost Analysis; and R–4, Research, Development, Test and Evaluation Program Schedule Profile.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8087. Notwithstanding any other provision of law, the Secretary of the Army may use up to $25,000,000 of funds appropriated for Operation and Maintenance, Army in this division for real property maintenance and repair projects and activities at Arlington National Cemetery.

SEC. 8088. (a) Not later than 60 days after enactment of this Act, 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 2013: *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 division 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8090. 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. 8091. For the purposes of this division, 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. 8092. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this division 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. 8094. Funds appropriated by this division 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. 8095. (a) Any agency receiving funds made available in this division, 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. 8096. (a) None of the funds appropriated or otherwise made available by this division 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 division may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

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

SEC. 8097. None of the funds made available under this division may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this division, up to $139,204,000, 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. 8099. (a) In this section the term ''conference'' has the meaning given that term under section 300-3.1 of title 41, Code of Federal Regulations, or any successor thereto.

(b) A grant or contract funded by amounts made available under this division may not be used for the purpose of defraying the cost of a conference that is not directly and programmatically related to the purpose of the program under which the grant or contract was awarded.

(c)(1) Except as provided in paragraph (3), the Department of Defense may not sponsor or host a conference for which the cost to the Department is expected to be more than $100,000 using amounts made available under this division, unless the Deputy Secretary of Defense approves sponsoring or hosting the conference.

(2)(A) Except as provided in subparagraph (B) or paragraph (3), the Department of Defense may not sponsor or host a conference for which the cost to the Department is expected to be more than $500,000 using amounts made available under this division.

(B) The Deputy Secretary of Defense may waive the prohibition under subparagraph (A) if the Deputy Secretary determines that it is in the interest of national security to spend more than $500,000 on a conference.

(3) For purposes of a conference sponsored or hosted by the Office of the Inspector General of the Department of Defense, the Inspector General shall discharge the authorities and responsibilities of the Deputy Secretary of Defense under this subsection.

(d) Not later than October 31, 2013, the Deputy Secretary of Defense shall provide a publicly available report of all Department-sponsored conferences during fiscal year 2013 where the cost to the Department is more than $100,000 using amounts made available under this division, which—

(1) shall include, for each such conference—

(A) the cost of the conference to the Department of Defense;

(B) the location of the conference;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department of Defense;

(E) the total number of individuals whose travel expenses or other conference expenses were paid by the Department of Defense; and

(F) any waiver made under subsection (c)(2)(B); and

(2) shall not include any confidential or similarly sensitive information.

SEC. 8100. None of the funds appropriated or otherwise made available by this division 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. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8102. Of the amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $106,482,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, for addressing the need for civilian water and wastewater improvements: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for this purpose, notify the congressional defense committees in writing of the details of any such obligation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. There is hereby established in the Treasury of the United States the ''Ship Modernization, Operations and Sustainment Fund''. There is appropriated $2,382,100,000, for the ''Ship Modernization, Operations and Sustainment Fund'', to remain available until September 30, 2014: *Provided*, That the Secretary of the Navy shall transfer funds from the ''Ship Modernization, Operations and Sustainment Fund'' to appropriations for military personnel; operation and maintenance; research, development, test and evaluation; and procurement, only for the purposes of manning, operating, sustaining, equipping and modernizing the Ticonderoga-class guided missile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73, and the Whidbey Island-class dock landing ships LSD–41 and LSD–46: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: *Provided further*, That the transfer authority provided herein shall be in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the ''Ship Modernization, Operations and Sustainment Fund'', notify the congressional defense committees in writing of the details of such transfer.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Of the amounts made available in this division under the heading ''Operation and Maintenance, Defense-Wide'', there is appropriated $51,000,000, 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: *Provided further*, That funds may not be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

SEC. 8105. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8106. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantánamo is to be transferred—

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

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

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

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

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

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

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

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantánamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantánamo'' means any individual located at United States Naval Station, Guantánamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

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

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8107. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo 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, Guantánamo 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, Guantánamo Bay, Cuba.

SEC. 8108. None of the funds made available by this division may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8109. None of the funds made available by this division may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8110. The Secretary of the Air Force shall obligate and expend funds previously

appropriated for the procurement of RQ–4B Global Hawk and C–27J Spartan aircraft for the purposes for which such funds were originally appropriated.

SEC. 8111. It is the Sense of the Senate that the next available capital warship of the U.S. Navy be named the USS Ted Stevens to recognize the public service achievements, military service sacrifice, and undaunted heroism and courage of the long-serving United States Senator for Alaska.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,790,082,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $869,625,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,623,356,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,286,783,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $156,893,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,335,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $24,722,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force''$25,348,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $583,804,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $10,473,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $30,578,256,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $6,968,812,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,108,340,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,291,493,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $8,274,052,000: *Provided*, That of the funds provided under this heading, not to exceed $1,750,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $154,537,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,924,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $25,477,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $120,618,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $382,448,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,975,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Infrastructure Fund'', $350,000,000, to remain available until

September 30, 2014: *Provided*, That such sums shall be available to the Secretary of Defense 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, which may require 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 under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $5,149,167,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,140,294,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $67,951,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $15,422,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $326,193,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,284,190,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $426,436,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $23,500,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $284,356,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $98,882,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $865,977,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $395,327,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $34,350,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $116,203,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,684,470,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $362,749,000, to remain

available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2015: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $42,357,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $52,519,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $53,150,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,387,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,467,864,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $993,898,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $469,025,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $1,514,114,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,766,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2013.

(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, 2013.

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

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

SEC. 9005. Not to exceed $200,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift

and sealift, and other logistical support to coalition forces supporting military and stability operations in 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 division may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the AROC must approve all projects and the execution plan under the ''Afghanistan Infrastructure Fund'' (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

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

SEC. 9011. Notwithstanding any other provision of law, up to $93,000,000 of funds made available in this title under the heading ''Operation and Maintenance, Army'' may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'' up to $508,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2013, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel to address gaps in capability of such personnel to manage defense-related institutions and integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and counter-terrorism: *Provided further*, That not later than October 30, 2012, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training and assisting activities that they determine are needed after the end of fiscal year 2013, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation Iraq at each site where such operations and activities will be conducted during fiscal year 2013.

SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

''Other Procurement, Army, 2012/2014'', $207,600,000;

''Mine Resistant Ambush Protected Vehicle Fund, 2012/2013'', $400,000,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $58,000,000;

''Afghanistan Security Forces Fund, 2012/2013'', $1,000,000,000;

''Joint Improvised Explosive Device Defeat Fund, 2012/2014'', $40,300,000.

This division may be cited as the ''Department of Defense Appropriations Act, 2013''.

SA 24. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 388, to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—DEPARTMENT OF DEFENSE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $40,157,392,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,989,384,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,529,469,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,053,829,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with

performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,341,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,875,598,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $659,621,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,728,505,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,005,077,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,161,765,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,804,145,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $40,479,556,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,894,963,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,983,793,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $31,331,839,000: *Provided*, That not more than $30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $36,480,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this division may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,563,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,140,508,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,246,982,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $272,285,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,227,382,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,075,042,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of

things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,493,155,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,516,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $335,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $310,594,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $529,263,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,133,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $287,543,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this division.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,759,000, to remain available until September 30, 2014.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $519,111,000, to remain available until September 30, 2015.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $720,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,414,061,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,429,665,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,687,823,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement

and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,624,380,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,980,209,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,936,358,000, to remain available for obligation until September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,066,919,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $719,154,000, to remain available for obligation until September 30, 2015.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program, $564,371,000;

Virginia Class Submarine, $3,217,601,000;

Virginia Class Submarine (AP), $1,652,557,000;

CVN Refueling Overhaul, $1,613,392,000;

CVN Refueling Overhauls (AP), $70,010,000;

DDG–1000 Program, $669,222,000;

DDG–51 Destroyer, $4,048,658,000;

DDG–51 Destroyer (AP), $466,283,000;

Littoral Combat Ship, $1,784,959,000;

LPD–17 (AP), $263,255,000;

Joint High Speed Vessel, $189,196,000;

Moored Training Ship, $307,300,000;

LCAC Service Life Extension Program, $85,830,000; and

For outfitting, post delivery, conversions, and first destination transportation, $309,648,000.

Completion of Prior Year Shipbuilding Programs, $372,573,000.

In all: $15,614,855,000, to remain available for obligation until September 30, 2017: *Provided*, That additional obligations may be incurred after September 30, 2017, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,170,286,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,334,448,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,260,646,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,913,276,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $593,194,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,008,348,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests

therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,692,685,000, to remain available for obligation until September 30, 2015.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $189,189,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,427,588,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,646,307,000, to remain available for obligation until September 30, 2014: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,374,286,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,419,129,000, to remain available for obligation until September 30, 2014: *Provided*, That of the funds made available in this paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $223,768,000, to remain available for obligation until September 30, 2014.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,516,184,000.

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, $697,840,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,240,788,000; of which $30,707,349,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2014, and of which up to $15,954,952,000 may be available for contracts entered into under the TRICARE program; of which $506,462,000, to remain available for obligation until September 30, 2015, shall be for procurement; and of which $1,026,977,000, to remain available for obligation until September 30, 2014, shall be for research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,301,786,000, of which $635,843,000 shall be for operation and maintenance, of which no less than $53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,214,000 for activities on military installations and $31,734,000, to remain available until September 30, 2014, to assist State and local governments; $18,592,000 shall be for procurement, to remain available until September 30, 2015, of which $1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which $627,705,000 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, $1,138,263,000: *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 division.

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, $332,921,000, of which $331,921,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2015, 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, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $542,346,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this division 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 division shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this division 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 division 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 $5,000,000,000 of working capital funds of the Department of Defense or funds made available in this division 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 division: *Provided further*, That no part of the funds in this division 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, 2013: *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 ''Committee Recommended Adjustments'' in the explanatory statement regarding this division, the obligation and expenditure of amounts appropriated or otherwise made available in this division 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 division.

(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 division: *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 division, 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 2013: *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 division, none of the funds provided in this division shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this division, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this division may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. (a) None of the funds provided in this division 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 division 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 division 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 division: *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 division may be used for a multiyear contract executed after the date of the enactment of this division 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 division may be used for a multiyear procurement contract as follows:

F/A–18E, F/A–18F, and EA–18G aircraft; up to 10 DDG–51 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels; SSN–774 Virginia class submarine and government-furnished equipment; CH–47 Chinook helicopter; and V–22 Osprey aircraft variants.

(b) The Secretary of Defense may employ incremental funding for the procurement of Virginia class submarines and government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary of Defense:

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10,

United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2013, 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 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 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 2014.

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

SEC. 8013. None of the funds made available by this division shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this division shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this division for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this division solely for the purpose of implementing a Mentor-Protégé 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 division.

SEC. 8016. None of the funds in this division may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this division shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this division, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this division for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this division, not less than $38,634,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,404,000 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) $9,298,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $932,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8023. (a) None of the funds appropriated in this division 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 2013 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 2013, 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 2014 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.

SEC. 8024. None of the funds appropriated or made available in this division 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 division.

SEC. 8025. For the purposes of this division, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2013. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 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 division shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this division 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, 2014: *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, 2014.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this division for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this division 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 division, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this division shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this division may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

SEC. 8038. None of the funds made available in this division 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. 8039. (a) None of the funds appropriated by this division shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

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

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

(B) $10,000,000; and

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

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

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

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

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

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

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

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

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

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer, $98,400,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer Advance Procurement, $2,500,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': CVN Refueling Overhaul, $14,100,000;

''Procurement of Ammunition, Army, 2011/2013'', $4,500,000;

''Other Procurement, Army, 2011/2013'', $114,848,000;

''Aircraft Procurement, Navy, 2011/2013'', $13,760,000;

''Shipbuilding and Conversion, Navy, 2011/2015'': DDG–51 Destroyer, $215,300,000;

''Weapons Procurement, Navy, 2011/2013'', $21,086,000;

''Aircraft Procurement, Air Force, 2011/2013'', $93,400,000;

''Missile Procurement, Air Force, 2011/2013'', $8,709,000;

''Other Procurement, Air Force, 2011/2013'', $9,500,000;

''Operation and Maintenance, Defense Wide, 2012/XXXX'', $21,000,000;

''Aircraft Procurement, Army, 2012/2014'', $47,400,000;

''Other Procurement, Army, 2012/2014'', $99,608,000;

''Aircraft Procurement, Navy, 2012/2014'', $4,640,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': Littoral Combat Ship, $28,800,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': DDG–51 Destroyer, $83,000,000;

''Weapons Procurement, Navy, 2012/2014'', $25,015,000;

''Other Procurement, Navy, 2012/2014'', $4,800,000;

''Procurement of Ammunition, Navy and Marine Corps, 2012/2014'', $50,703,000;

''Procurement, Marine Corps, 2012/2014'', $135,331,000;

''Aircraft Procurement, Air Force, 2012/2014'', $581,699,000;

''Missile Procurement, Air Force, 2012/2014'', $45,898,000;

''Other Procurement, Air Force, 2012/2014'', $55,800,000;

''Procurement, Defense Wide, 2012/2014'', $16,000,000;

''Research, Development, Test and Evaluation, Army, 2012/2013'', $8,000,000;

''Research, Development, Test and Evaluation, Navy, 2012/2013'', $245,254,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $56,704,000.

SEC. 8041. None of the funds available in this division may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this division may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this division for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this division may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this division may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of

domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this division may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this division to the jurisdiction of another Federal agency not financed by this division without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

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

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

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

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

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

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

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

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

SEC. 8050. None of the funds available to the Department of Defense under this division shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this division under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8054. Using funds made available by this division or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

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

SEC. 8056. (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. 8057. (a) None of the funds made available by this division 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. 8058. 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. 8059. Notwithstanding any other provision of law, funds appropriated in this division under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. 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 division.

SEC. 8061. 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. 8062. 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. 8063. None of the funds provided in this division may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. 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. 8065. None of the funds appropriated by this division shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this division under the heading ''Operation and Maintenance, Army'', $133,381,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. 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 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, not to exceed $200,000,000 from funds available under ''Operation and Maintenance, Defense-Wide'' may be transferred to the Department of State ''Global Security Contingency Fund'': *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State ''Global Security Contingency Fund'', notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this division under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $479,736,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $211,000,000 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, $149,679,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $39,200,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this division.

SEC. 8070. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(d) This subsection does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this division under the heading ''Shipbuilding and Conversion, Navy'', $372,573,000 shall be available until September 30, 2013, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy, 2007/2013'': LHA Replacement Program $156,685,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy, 2008/2013'': LPD–17 Amphibious Transport Dock Program $80,888,000; and

(3) Under the heading ''Shipbuilding and Conversion, Navy, 2009/2013'': CVN Refueling Overhauls Program $135,000,000.

SEC. 8072. Funds appropriated by this division, or made available by the transfer of funds in this division, 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 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

SEC. 8073. None of the funds provided in this division 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. 8074. The budget of the President for fiscal year 2014 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. 8075. None of the funds in this division may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8076. In addition to the amounts appropriated or otherwise made available elsewhere in this division, $20,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amount specified as follows: $20,000,000 to the United Service Organizations.

SEC. 8077. None of the funds appropriated or made available in this division 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 division: *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. 8078. None of the funds provided in this division 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. 8079. (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. 8080. 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 division.

SEC. 8081. 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. 8082. (a) None of the funds appropriated by this division 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 Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8083. 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. 8084. None of the funds appropriated by this division 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, 2014.

SEC. 8085. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this division 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. 8086. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $10,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $5,000,000 in any fiscal year, the R–1, Research, Development, Test and Evaluation Program; R–2, Research, Development, Test and Evaluation Budget Item Justification; R–3, Research, Development, Test and Evaluation Project Cost Analysis; and R–4, Research, Development, Test and Evaluation Program Schedule Profile.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8087. Notwithstanding any other provision of law, the Secretary of the Army may use up to $25,000,000 of funds appropriated for Operation and Maintenance, Army in this division for real property maintenance and repair projects and activities at Arlington National Cemetery.

SEC. 8088. (a) Not later than 60 days after enactment of this Act, 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 2013: *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 division 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided*

further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8090. 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. 8091. For the purposes of this division, 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. 8092. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this division 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. 8094. Funds appropriated by this division 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. 8095. (a) Any agency receiving funds made available in this division, 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. 8096. (a) None of the funds appropriated or otherwise made available by this division 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 division may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

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

SEC. 8097. None of the funds made available under this division may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this division, up to $139,204,000, 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. 8099. (a) In this section the term ''conference'' has the meaning given that term under section 300-3.1 of title 41, Code of Federal Regulations, or any successor thereto.

(b) A grant or contract funded by amounts made available under this division may not be used for the purpose of defraying the cost of a conference that is not directly and programmatically related to the purpose of the program under which the grant or contract was awarded.

(c)(1) Except as provided in paragraph (3), the Department of Defense may not sponsor or host a conference for which the cost to the Department is expected to be more than $100,000 using amounts made available under this division, unless the Deputy Secretary of Defense approves sponsoring or hosting the conference.

(2)(A) Except as provided in subparagraph (B) or paragraph (3), the Department of Defense may not sponsor or host a conference for which the cost to the Department is expected to be more than $500,000 using amounts made available under this division.

(B) The Deputy Secretary of Defense may waive the prohibition under subparagraph (A) if the Deputy Secretary determines that it is in the interest of national security to spend more than $500,000 on a conference.

(3) For purposes of a conference sponsored or hosted by the Office of the Inspector General of the Department of Defense, the Inspector General shall discharge the authorities and responsibilities of the Deputy Secretary of Defense under this subsection.

(d) Not later than October 31, 2013, the Deputy Secretary of Defense shall provide a publicly available report of all Department-sponsored conferences during fiscal year 2013 where the cost to the Department is more than $100,000 using amounts made available under this division, which—

(1) shall include, for each such conference—

(A) the cost of the conference to the Department of Defense;

(B) the location of the conference;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department of Defense;

(E) the total number of individuals whose travel expenses or other conference expenses were paid by the Department of Defense; and

(F) any waiver made under subsection (c)(2)(B); and

(2) shall not include any confidential or similarly sensitive information.

SEC. 8100. None of the funds appropriated or otherwise made available by this division 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. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8102. Of the amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $106,482,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the

Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, for addressing the need for civilian water and wastewater improvements: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for this purpose, notify the congressional defense committees in writing of the details of any such obligation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. There is hereby established in the Treasury of the United States the ''Ship Modernization, Operations and Sustainment Fund''. There is appropriated $2,382,100,000, for the ''Ship Modernization, Operations and Sustainment Fund'', to remain available until September 30, 2014: *Provided*, That the Secretary of the Navy shall transfer funds from the ''Ship Modernization, Operations and Sustainment Fund'' to appropriations for military personnel; operation and maintenance; research, development, test and evaluation; and procurement, only for the purposes of manning, operating, sustaining, equipping and modernizing the Ticonderoga-class guided missile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73, and the Whidbey Island-class dock landing ships LSD–41 and LSD–46: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: *Provided further*, That the transfer authority provided herein shall be in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the ''Ship Modernization, Operations and Sustainment Fund'', notify the congressional defense committees in writing of the details of such transfer.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Of the amounts made available in this division under the heading ''Operation and Maintenance, Defense-Wide'', there is appropriated $51,000,000, 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: *Provided further*, That funds may not be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

SEC. 8105. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8106. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantánamo is to be transferred—

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

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

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

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

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

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

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

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantánamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantánamo'' means any individual located at United States Naval Station, Guantánamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

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

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8107. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo 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, Guantánamo 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, Guantánamo Bay, Cuba.

SEC. 8108. None of the funds made available by this division may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8109. None of the funds made available by this division may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8110. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ–4B Global Hawk and C–27J Spartan aircraft for the purposes for which such funds were originally appropriated.

SEC. 8111. It is the Sense of the Senate that the next available capital warship of the U.S. Navy be named the USS Ted Stevens to recognize the public service achievements, military service sacrifice, and undaunted heroism and courage of the long-serving United States Senator for Alaska.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,790,082,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $869,625,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,623,356,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,286,783,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $156,893,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,335,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $24,722,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force''$25,348,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $583,804,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $10,473,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $30,578,256,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $6,968,812,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,108,340,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,291,493,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $8,274,052,000: *Provided*, That of the funds provided under this heading, not to exceed $1,750,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $154,537,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,924,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $25,477,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $120,618,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $382,448,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,975,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Infrastructure Fund'', $350,000,000, to remain available until September 30, 2014: *Provided*, That such sums shall be available to the Secretary of Defense 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, which may require 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 under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $5,149,167,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,140,294,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $67,951,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $15,422,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $326,193,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,284,190,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $426,436,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $23,500,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine

Corps'', $284,356,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $98,882,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $865,977,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $395,327,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $34,350,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $116,203,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,684,470,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $362,749,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2015: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $42,357,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $52,519,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $53,150,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,387,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,467,864,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $993,898,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $469,025,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $1,514,114,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,766,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2013.

(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, 2013.

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

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

SEC. 9005. Not to exceed $200,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in 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 division may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the AROC must approve all projects and the execution plan under the ''Afghanistan Infrastructure Fund'' (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

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

SEC. 9011. Notwithstanding any other provision of law, up to $93,000,000 of funds made available in this title under the heading ''Operation and Maintenance, Army'' may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'' up to $508,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2013, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel to address gaps in capability of such personnel to manage defense-related institutions and integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and counter-terrorism: *Provided further*, That not later than October 30, 2012, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training and assisting activities that they determine are needed after the end of fiscal year 2013, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation Iraq at each site where such operations and activities will be conducted during fiscal year 2013.

SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

''Other Procurement, Army, 2012/2014'', $207,600,000;

''Mine Resistant Ambush Protected Vehicle Fund, 2012/2013'', $400,000,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $58,000,000;

''Afghanistan Security Forces Fund, 2012/2013'', $1,000,000,000;

''Joint Improvised Explosive Device Defeat Fund, 2012/2014'', $40,300,000.

This division may be cited as the ''Department of Defense Appropriations Act, 2013''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on February 28, 2013, at 10 a.m., to conduct a hearing entitled ''Addressing FHA's Financial Condition and Program Challenges, Part II.''

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 28, 2013, at 10:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Delivery System Reform: Progress Report from CMS.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 28, 2013, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 28, 2013.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 28, 2013, at 10 a.m., in room SD–G50 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 28, 2013, at 2:30 p.m.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I see our distinguished majority leader on the floor. I will yield to him.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I appreciate very much my friend from Iowa allowing me to proceed.

I would just note for the record that I have only had two U.S. Senators visit me in my home in Searchlight. He is one of them.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that on Monday, March 4, 2013, at 5 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 15 and 16; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 64

Mr. REID. Madam President, I ask unanimous consent that on Tuesday, March 5, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 20, S. Res. 64; that the only amendment in order to the resolution be a Paul amendment striking provisions relative to the National Security Working Group; that there be up to 30 minutes of debate equally divided in the usual form on the Paul amendment; that upon the use or yielding back of that time, the Senate proceed to vote on the Paul amendment; that upon disposition of the Paul amendment, the Senate proceed to vote on adoption of the resolution, as amended, if amended.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senator as a member of the Commission on Security and Cooperation in Europe (Helsinki) during the 113th Congress: the Honorable ROGER WICKER of Mississippi.

ORDERS FOR MONDAY, MARCH 4, 2013

Mr. REID. I ask unanimous consent that when the Senate complete its business today, it adjourn until 2 p.m. on Monday, March 4, 2013; that following the prayer and pledge, the morning hour be deemed expired, the journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak up to 10 minutes each; further, that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, at 5:30 p.m. on Monday, there will be up to two rollcall votes on confirmation of the Chen and Failla nominations, both U.S. district judge nominees for New York.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, there being no further business to come before the Senate, I ask unanimous consent that following the statement of the distinguished Senator from Iowa, Mr. HARKIN, the Senate stand adjourned under the previous order.

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

The Senator from Iowa.

SEQUESTRATION

Mr. HARKIN. Madam President, we are now on the eve of the so-called sequester. Tomorrow, March 1, Federal agencies will begin making $85 billion in arbitrary, destructive budget cuts—cuts that economists tell us will damage our fragile economy and cost nearly 1 million jobs. This is a shame and it is shameful. This is yet another self-inflicted wound to our economy, and it is completely unnecessary.

For months, President Obama and Democrats in Congress have urged Republicans to join with us in negotiating a balanced package of spending cuts and revenue increases to head off this sequester. Regrettably, we have run up against the same old response from our Republican colleagues: obstruction, obstruction, obstruction—an adamant refusal to compromise. They reject the very idea of a balanced approach, insisting that all deficit reduction must come exclusively from cuts to spending and investment. Since they have not gotten their way, they are now willing to allow all the destructive impacts of the sequester to happen.

Think about it, because it really is breathtaking. Republicans would rather allow our economy to lose up to a million jobs than to close a tax loophole that pays companies to move American jobs to foreign countries. They would rather risk jolting the economy back into recession than to close a tax loophole that allows hedge fund managers making hundreds of millions of dollars a year to pay a lower tax rate than middle-class families. It really is breathtaking.

I am deeply concerned about the arbitrary cuts to programs that undergird the middle class in this country—everything from medical research to

education to food and drug safety. Earlier this week, the Director of the National Institutes of Health, Dr. Francis Collins, warned that the sequester would slash $1.6 billion from NIH's budget, directly damaging ongoing research into cancer, Alzheimer's, and other diseases.

Funding for special education would also suffer deep cuts, eliminating Federal support for more than 7,200 teachers, aides, and other staff who support our students with disabilities.

Funding for food safety would be severely impacted, resulting in thousands of fewer inspections, a slowdown in meat processing, costing jobs and endangering the safety of the public. The Food Safety and Inspection Service may have to furlough all employees for approximately 2 weeks, which could close down or severely restrict meatpacking plants around the country.

The list of destructive budget cuts goes on and on, and what many people may not understand is that these are just the latest cuts to spending and investment.

Over the past 2 years, the President and Congress have already agreed to $1.4 trillion in spending cuts, all from the discretionary side of the budget. These have been very dramatic spending reductions.

As I said earlier today, when we hear the Speaker of the House say: Well, since the first of the year, we have given on revenues but we have not had any spending cuts—he says: No more revenues, just spending cuts because we have already done the revenues—well, you see what he is doing is he is drawing an arbitrary starting line. His starting line is the first of this year. But you have to go back a year and a half to the Budget Control Act when, beginning with that, this Congress made $1.4 trillion in spending cuts—$1.4 trillion—and in January we did $700 billion in revenues. So we are still $2 in cuts for every $1 in revenue. Yet the Speaker says we should have no more revenues, all spending cuts, to get up to our $4 trillion that is needed to stabilize our debt in this country. So that means he wants to have another $2.6—well, let me think about that; I have to add it up—it would be $1.9 trillion more in spending cuts.

Think about that, and think about it in terms of just one area that I know about firsthand in my capacity as chair of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. That subcommittee has jurisdiction over spending, for example, at the National Institutes of Health. Over the last 2 years, Congress has completely eliminated 65 programs under that jurisdiction, totaling $1.3 billion. What that means is no more funding for education technology, $100 million; no more funding for civic education, $35 million; no more funding for creating smaller learning communities in high schools, another $88 million.

LIHEAP, the Low Income Home Energy Assistance Program, has been cut by $1.6 billion. That is a 30-percent cut—a 30-percent cut. That cut eliminates home heating and cooling assistance for 1.5 million low-income and elderly households in this country. That has already been done. Now the Speaker wants to do more. Maybe he wants to eliminate the entire LIHEAP program.

The administration's signature education initiative, Race to the Top, has been cut by $150 million. That is a 20-percent cut—already, a 20-percent cut. That is what we have done already. If we cut any more, you are really going to be destroying education initiatives in this country.

How about lead poisoning, childhood lead poisoning. It has been cut by 93 percent, from $29 million a year down to $2 million, meaning that the Centers for Disease Control and Prevention no more has any funding to test children for lead poisoning. And we know that if you get kids early, you can stop the deteriorating effects of lead poisoning. But now we are not even going to be testing these kids anymore.

National programs to keep our schools safe and drug free have been cut by two-thirds, from $191 million to $65 million.

As I said, national programs that keep schools safe and drug free are cut by two-thirds. I wonder how many people know that. I wonder how many people know we cut that already by two-thirds.

Again, this list goes on and on with deep cuts to vital programs. I wish to emphasize, these are the cuts we have already made in the last 2 years. The sequester will cut them even further.

Fighting childhood lead poisoning, which we know continues on in this country, we know how it destroys kids and their future growth, and we know early intervention can alleviate that. Yet it has been cut by 93 percent. What are we going to do, cut it by another 7 percent? We just will not have any efforts at all to test kids for lead poisoning early on. The sequester will have very real consequences for the economy and for our society.

Finally, let me step back and put our discussion of this sequester in a broader perspective. By all means, we need to reduce deficits further, especially in the longer term. But I have questioned repeatedly the sort of obsessive, exclusive, almost borderline hysterical focus on budget deficits. Meanwhile, we are neglecting other urgent national priorities. How about the jobs deficit, the deficit in our investment in our infrastructure, the deficit in our investment in a strong, growing, middle class?

What we need is an approach to the budget that addresses all of these—reducing budget deficits, yes, but doing it in a way that allows us to strengthen the middle class and lay the foundation for future economic growth.

We also need to look at the demographic projectory of our country as well as the challenges posed by globalization. Our Nation is growing older with the retiring baby boomers. This will dramatically increase government costs for health care and other services. We are also now in a global economy competing not only in manufacturing but also in a growing range of services, from telemarketing to the reading of medical MRIs. In order to compete successfully and keep quality jobs in the United States, we need to invest robustly both in a 21st century infrastructure, as well as in a system of education and training that equips our young people and workers for the jobs of the future.

In this broader context, what is the best way to address the resulting deficits? Do we just slash spending for education, slash spending for infrastructure, slash spending for research and discovery, sacrificing the investments we will need to grow our economy in the decades ahead? Do we just allow this destructive sequester to kick in, costing us jobs, cutting vital supports for middle-class Americans?

These are the destructive budget options which will take effect starting tomorrow if we fail to act. This is why I come to the floor, at the eleventh hour, to plead one final time for a compromise and common sense from Republicans. Yes, I am here to plead for some common sense, some compromise from Republican leadership.

There are plenty of areas where we can cut spending without seriously harming the economy. There are plenty of commonsense options for raising revenue without lifting tax rates or hurting the middle class.

It is still possible for Senators to come together, but that may only happen if we have some willingness to compromise on the Republican side.

When the Speaker says absolutely no more revenue, how do you compromise with that? We know from the polling data that the vast majority of the American people, 60, 70 percent, believe we should have a balanced approach, both in revenues and in cutting spending.

We have reached out our hand in an effort to shake hands with the Republicans. They have not reciprocated by reaching out their hand to close the deal.

It is still possible, but it is only possible if the other side is willing to make some compromises. Time is short. I urge colleagues to put ideology and this partisanship aside, stop this sequester, tackle these budget deficits in a way that allows us to invest in a growing economy and a stronger middle class.

A lot of people say if the sequester kicks in, people aren't going to feel it right away. Well, maybe not tomorrow night, maybe not even Saturday or Sunday. We will beginning next week, when the Food Safety and Inspection Service starts furloughing people and we begin fewer inspections and maybe the week after that when our air traffic

controllers begin to be furloughed because they don't have enough money and air traffic begins to slow down in New York and Chicago and Washington, DC, and Atlanta.

It is always true that in times such as these, when we have these kinds of crises facing us, who gets hurt first and the most are the people at the bottom rung of the ladder, kids with disabilities, families who need some heating assistance in the middle of the winter, elderly people who may need some Meals On Wheels delivered to their homes.

These are always the people who get hit first and the hardest. We can't forget our societal obligations as a Congress to make sure their needs are met also. We can't turn a blind eye and a deaf ear to the needs of people in our society who don't have anything anyway. We can't throw them out in the cold. We can't let our children be denied Head Start programs or adequate child care programs. This is not befitting a great and wonderful society such as America.

I am hopeful with a meeting in the White House tomorrow—as I know it is not just a photo opportunity—we will hear from the Speaker of the House that, yes, we need a balanced approach, and we are willing to take that balanced approach. If they do that, we can get this settled within the next few days and then move ahead.

So that is my hope for tomorrow. And I hope, again, we will see some forthcoming on the part of Republicans that they are indeed willing to compromise.

Madam President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, MARCH 4, 2013, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday.

Thereupon, the Senate, at 6:31 p.m., adjourned until Monday, March 4, 2013, at 2 p.m.