### H997

#### CONGRESSIONAL RECORD — HOUSE

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#### March 6, 2013

**PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO PROFESSOR MUHAMMAD YUNUS**

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 20, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution was agreed to:

**H. CON. RES. 30**

Resolved by the House of Representatives (the Senate concurring).

#### SECTION 1. USE OF ROTUNDA FOR CEREMONY TO AWARD CONGRESSIONAL GOLD MEDAL TO PROFESSOR MUHAMMAD YUNUS

The rotunda of the Capitol is authorized to be used on April 11, 2013, for a ceremony to award the Congressional Gold Medal to Professor Muhammad Yunus in recognition of his contributions to the fight against global poverty. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

**GENERAL LEAVE**

Mr. ROGERS of Kentucky. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the consideration of H.R. 933 and that I may include tabular material on the same.

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

There was no objection.

The text of the concurrent resolution is as follows:

**H. CON. RES. 14**

Resolved by the House of Representatives (the Senate concurring).

#### SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY

The rotunda of the Capitol is authorized to be used on April 11, 2013, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.
The Clerk reads the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 99, the amendment printed in House Report 113–12 is adopted, and the bill, as amended, is considered read. The text of the bill, as amended, is as follows:

H.R. 933

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 “Department of Defense, Military Construction, and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013.”

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Division A—Department of Defense Appropriations Act, 2013
Division B—Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013
Division C—Full-Year Continuing Appropriations Act, 2013
Division D— Across-the-Board Reductions

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in division A of this Act shall be taken to refer only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about March 7, 2013 by the Chairman of the Committee on Appropriations of the House shall be the effective statement as to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 16131 of title 10, United States Code, in connection with performing duty specified in section 16131 of title 10, United States Code, or while serving on duty under section 10211 of title 10, United States Code, in connection with performing duty specified in section 12301(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, $658,251,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, and 12622 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(c) of title 32, 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, $7,981,577,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on active duty under section 10211, 10305, and 12622 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(c) of title 32, 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, $3,153,990,000.

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 at the approval of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $35,809,260,000.

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 $2,198,000 can be used for emergencies and extraordinary expenses, to be expended at the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $31,614,453,000.

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, $6,034,963,000.

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, and related expenses for members of the Army 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 pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $582,946,000.

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 pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,902,346,000.

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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $187,402,300.

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 the Reserve provided for elsewhere); and for pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,531,549,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 16131, 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 12301(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, $3,153,990,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under sections 16131, 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 12301(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, $3,153,990,000.

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 sections 16131, 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 12301(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, $3,153,990,000.

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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,902,346,000.

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 pay pursuant to section 156 of Public Law 97–77, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,902,346,000.
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 $36,480,000 shall be made available for the procurement of facilities and equipment, to be expended on or before March 30, 2013, and to be available for the operation and maintenance of the Air Force Reserve; and $7,154,161,000.

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, $31,962,993,000.

Provided, That not more than $30,000,000 may be used for the Comptroller Combatant 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, $34,780,406,000.

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, $31,962,993,000.

Provided, That not more than $30,000,000 may be used for the Comptroller Combatant 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 the transfer authority provided for in this heading, not less than $36,480,000 shall be made available for the Procurement Technical Assistance Program, of which not less than $3,500,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $5,563,000, 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 number of personnel authorized, or supplant authority, to be purchased under the heading: Operation and Maintenance, Air Reserve, may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That any authority under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMED FORCES

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army National Guard; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of facilities and equipment; building 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, $7,154,161,000.

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 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 the transfer authority provided for in this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $329,283,000, 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 and purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $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 the transfer authority provided for in this heading is in addition to any other transfer authority provided elsewhere in this Act.
in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES (INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and handling of equipment, weapons, and associated accessories; for equipment installation, and long lead time components and designs for weapons, missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,484,464,000, to remain available for obligation until September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, and installation of equipment, weapons, and associated accessories; for research, development, testing, and evaluation; and other expenses necessary for the foregoing purposes, $79,328,000,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, and installation of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,741,664,000, 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; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,484,464,000, to remain available for obligation until September 30, 2015.

AAV Procurement, Marine Corps

For construction, procurement, production, and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,628,754,000, to remain available for obligation until September 30, 2015.

LRIP Procurement, Marine Corps

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; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,741,664,000, to remain available for obligation until September 30, 2015.

MRAP Procurement, Marine Corps

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; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,535,433,000, to remain available for obligation until September 30, 2015.

M2/M3 Procurement, Marine Corps

For construction, procurement, production, and modernization of M2/M3 series vehicles; for acquisition of spares; and other expenses necessary for the foregoing purposes, $4,000,000,000, to remain available for obligation until September 30, 2015.

LRIF Procurement, Marine Corps

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; reserve plant and Government contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,741,664,000, to remain available for obligation until September 30, 2015.
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 such components of such naval 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 and for the Navy and the Marine Corps, necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,432,738,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, DEFENSE-WIDE

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; conversion, modernization, and rehabilitation 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, apparel, and machine tools in public and private plants; reserve plant and Government-owned and contractor-owned equipment layaway, $5,955,078,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armament, armaments, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; ground handling equipment, and training devices; and expansion of public and private plants; Government-owned and contractor-owned equipment layaway; vehicules for the armed Forces, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,411,000,000, 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), $594,694,000, to remain available for obligation until September 30, 2015.

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, $8,676,627,000, to remain available for obligation until September 30, 2014.

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, $15,963,398,000, to remain available for obligation until September 30, 2014.

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,516,184,000.

NATIONAL DEFENSE SEALIFT FUND

For the 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, $10,979,310,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that would reduce the number of the following major components unless such components are manufactured in the United States:
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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,
$32,715,304,000; of which $30,885,165,000 shall be
for operation and maintenance, of which not
to exceed one percent shall remain available
until September 30, 2014, and of which up to
$15,934,952,000 may be available for contracts
entered into under the TRICARE program; of
which $521,762,000, to remain available for obligation until September 30, 2015, shall be for
procurement; and of which $1,308,377,000, to
remain available for obligation until September 30, 2014, shall be for research, development, test and evaluation: Provided, That,
notwithstanding any other provision of law,
of the amount made available under this
heading for research, development, test and
evaluation, not less than $8,000,000 shall be
available for HIV prevention educational activities undertaken in connection with
United States military training, exercises,
and humanitarian assistance activities conducted primarily in African nations: Provided
further, That of the funds provided to develop
a joint Department of Defense—Department
of Veterans Affairs (DOD–VA) integrated
Electronic Health Record, not more than 25
percent may be obligated until the DOD–VA
Interagency Program Office submits to the
Committees on Appropriations of both
Houses of Congress, and such Committees approve, a plan for expenditure that: (1) defines
the budget and cost baseline for development
of the integrated Electronic Health Record;
(2) identifies the deployment timeline for the
system for both agencies; (3) breaks out annual and total spending for each Department; (4) relays detailed cost-sharing business rules; (5) establishes data standardization schedules between the Departments; (6)
has been submitted to the Government Accountability Office for review; and (7) complies with the acquisition rules, requirements, guidelines, and systems acquisition
management practices of the Federal Government.
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
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 Stock-

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pile 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,
$1,159,263,000: 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 Act.
OFFICE OF THE INSPECTOR GENERAL
For expenses and activities of the Office of
the Inspector General in carrying out the
provisions of the Inspector General Act of
1978, as amended, $350,321,000, of which
$347,621,000 shall be for operation and maintenance, of which not to exceed $700,000 is
available for emergencies and extraordinary
expenses to be expended on the approval or
authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential
military purposes; and of which $2,700,000, 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,
$534,421,000.
TITLE VIII
GENERAL PROVISIONS
SEC. 8001. No part of any appropriation
contained in this Act shall be used for publicity or propaganda purposes not authorized
by the Congress.
SEC. 8002. During the current fiscal year,
provisions of law prohibiting the payment of
compensation to, or employment of, any person not a citizen of the United States shall
not apply to personnel of the Department of
Defense: Provided, That salary increases
granted to direct and indirect hire foreign
national employees of the Department of De-

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fense funded by this Act shall not be at a
rate in excess of the percentage increase authorized by law for civilian employees of the
Department of Defense whose pay is computed under the provisions of section 5332 of
title 5, United States Code, or at a rate in excess of the percentage increase provided by
the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national
employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service
Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department
of Defense in the Republic of Turkey.
SEC. 8003. No part of any appropriation
contained in this Act shall remain available
for obligation beyond the current fiscal year,
unless expressly so provided herein.
SEC. 8004. No more than 20 percent of the
appropriations in this Act which are limited
for obligation during the current fiscal year
shall be obligated during the last 2 months of
the fiscal year: Provided, That this section
shall not apply to obligations for support of
active duty training of reserve components
or summer camp training of the Reserve Officers’ Training Corps.
(TRANSFER OF FUNDS)

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

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Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner prescribed in this Act. Amounts appropriated in this Act shall be available until expended. Except as the tables included in the text of this Act, (a) the term defined in the referenced tables or subsections of this section shall be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of funds from the defense working capital fund to acquire or increase the value of war reserve material inventory, working capital fund to procure or increase cash balances in working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation between such funds: Provided further, That the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

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

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 "Foreign Currency Fluctuations, Defense" and the "Operation and Maintenance" appropriation accounts of the Department of Defense, unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against working capital funds of the Department of Defense for expenditures for which a contract or order has not been placed by the Department of Defense unless the Secretary of Defense has notified the Congress of the proposed transfer.

SEC. 8009. Funds appropriated by this Act shall be available until expended for the operation and maintenance of the Armed Forces, funds are hereby appropriated and transferred pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs incurred in support of the fiscal year 2014 Department of Defense budget request. That funds appropriated by this Act shall be used for humanitarian and civic assistance projects and may be used for peacekeeping and humanitarian operations and assistance, as determined by the Secretary of the Army to be consistent with the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 108 Stat. 2306) and authority contained in this Act.

SEC. 8010. Funds appropriated by this Act shall be available for the purpose of implementing 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 duty military personnel and reservists.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated and transferred pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs incurred in support of the fiscal year 2014 Department of Defense budget request. That funds appropriated by this Act shall be used for humanitarian and civic assistance projects and may be used for peacekeeping and humanitarian operations and assistance, as determined by the Secretary of the Army to be consistent with the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 108 Stat. 2306) and authority contained in this Act.

SEC. 8012. Funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active duty military personnel and reservists.

SEC. 8013. None of the funds made available by this Act shall be available for the purpose of implementing 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 duty military personnel and reservists.
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.

S. 8017. None of the funds available to the Department of Defense may be used to demilitarize, disassemble, destroy, or disable Small Arms, Ammunition, or Ammunition Components that are otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the designee as unserviceable or unsafe for further use.

S. 8018. No more than $500,000 of the funds made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

S. 8019. The Office of the Secretary of Defense Procurement, Air Force, with the concurrence of the congressional defense committees, may execute a contract overruns, or for certain charitable contributions, or to include employee participation in community service and/or development.

S. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political activity.

S. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations in excess of the amounts contained in the Department of Defense Appropriations Act, 2014, for purposes specified in section 2309(c)(1) 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 from which expended.

S. 8022. (a) Of the funds made available in this Act, not less than $36,614,000 shall be available for the Civil Air Patrol Corporation, the Air Force, for programmatic purposes.

(b) $28,404,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, community service activities, and drug demand reduction activities involving youth programs;

(2) $8,296,000 shall be available from “Air

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 the Federal, State, and local government agencies.

S. 8023. (a) None of the funds appropriated in this Act shall be used to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as an expansion or separation from an existing FFRDC, unless such an expansion or separation is negotiated 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 by a defense FFRDC 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 such functions.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense 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 appropriations 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 made available to the Department of Defense during fiscal year 2013, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That the specific amount referred to previously in this subsection, not more than 1,123 staff years of technical effort in the def

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, the fiscal year 2014 technical effort, and the associated budget estimates.

S. 8024. None of the funds appropriated or made available in this Act shall be used to procure or make available steel plate: Provided, That the specific amount referred to in this subsection, not more than 1,128 short tons of steel plate: Provided further, That the specific amount referred to in this subsection shall not apply to steel plate produced in the United States that are covered by the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: Provided further, That the Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases that are covered by the agreement: Provided further, That such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in section (a)(2) of the Buy American Act of 1972 (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.


S. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may, in the discretion of the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Utah, and Washington, authorize relocations of relocatable military housing units at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, and McChord 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 Department of Defense for the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Washington, and 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 tribal entities 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 $25,000.

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 acquired by 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 House as if the purchase of equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in the fiscal year 2014 Department of Defense appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2014: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency's 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 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 Act for programs of the Central Intelligence Agency shall 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. None of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide" for the fiscal year 2014 shall be available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, and developing a system for prioritization of mitigation and cost to complete estimates consistent with mitigating impacts from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 3 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally making a false statement regarding 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 deter-

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, rep-resenting to the Government a need for research, development, and testing that 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, in the discretion of the head of the Department of Defense, funds not not applicable to contracts in an amount of less than $25,000, contracts related to improveme
t of environment that is in the interest of the national defense.

SEC. 8037. (a) None of the funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency may be used to approve or license the sale of F-22A advanced tactical fighter to any foreign government: Provided, That none of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fight-er 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. 8038. The Secretary of Defense, notwith- standing any other provision of law, acting through the Office of Economic Adjust-

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

(2) an Army field operating agency estab-

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplish-

NOTE. For further information, see Report, 107th Cong., 2d sess., Armed Forces Policy and Procurement: 2001 Annual Report to the Congress, pursuant to section 2461 of title 10, United States Code, and notwith-

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (b), (c), or (d) of section 2461 of title 10, United States Code, may not with-
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 6503 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(12) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 10(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 2471 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. The conversion shall be awarded under the authority of, and in compliance with, subsection (h) of section 2594 of title 10, United States Code, for the competition or outsourcing of commercial activities.

RESCRIBSIONS

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

- Aircraft Procurement, Navy, 2012/2014: $16,000,000.
- Research, Development, Test and Evaluation, Army, 2012/2013: $41,000,000.

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

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

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred by members of the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands and Defense Agencies under the Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program.

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

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

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball or 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.

SEC. 8048. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when such costs are for—

(1) 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.

INCORPORATING TRANSFERS OF FUNDS

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” 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.
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 operations and expenses outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

S. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated obligation or a negative unliquidated expenditure for the period of availability or closure in the same manner as a project in the Department of Defense Appropriations Act, and which has not been charged with any liability (except as to amount) to the expired or closed account before the end of the period of availability or closure of that account:

(1) the obligation on a case-by-case basis may be chargeable to any current appropriation account for the same purpose as the expired or closed account if—

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

(b) no expired account for which 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 to the determination otherwise made 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 the amount equal to the court of the total appropriation for that account.

S. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Subparagraphs (a) and (b) of section 1552(b) of title 31, United States Code, shall be modified by inserting the following sentence at the end of such subparagraphs:» Provided further, That the total amount charged to a current appropriation under this section may not exceed the amount equal to the court of the total appropriation for that account.

S. 8055. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine whether to conduct any full-time National Guard duty under this section (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

S. 8056. None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8057. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense in 20 mm or larger caliber defense ammunition, 30 mm or larger caliber defense ammunition, armor piercing incendiary (API) ammunition, or armor piercing incendiary tracer (API-T) ammunition, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrable to the satisfaction of the Department of Defense that armor piercing ammunition is either: (1) not subject to the privilege of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense for the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

S. 8058. None of the funds provided in this Act may be used to procure end-items for delivery to military forces for operations or other purposes outside the United States for the purpose of conducting official Department of Defense business.

S. 8059. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive the payment of any or all of the expenses incurred in connection with support and services for operations and expenses outside the United States for the purpose of conducting official Department of Defense business.

S. 8060. Notwithstanding any other provision of law, the funds appropriated in this Act for the purposes of conducting official Department of Defense business, including the Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to Federal facilities, equipment, or services or construction or repair of such facilities, equipment, or services if the Secretary of Defense determines that such funds are necessary for the performance of required security, safety, or administrative functions.

S. 8061. Provided, That the Secretary of Defense may waive the obligation to provide support to such department or agency on a nonreimbursable basis: Provided, That the Secretary of Defense may waive this requirement on a case-by-case basis by certifying to the congressional defense committees: Provided, That the Secretary of Defense may waive this requirement on a case-by-case basis by certifying to the congressional defense committees: Provided, That the Secretary of Defense may waive this requirement on a case-by-case basis by certifying to the congressional defense committees.

S. 8062. During the current fiscal year, no funds made available to the Department of Defense may be used to fund support to any Department of Defense program, project, or activity that is completed or discontinued within the National Intelligence Program.

S. 8063. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8064. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8065. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8066. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8067. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.

S. 8068. None of the funds provided in this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of any international agreement that all necessary corrective steps have been taken.
may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8069. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds (including security or beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured in that State, or in the case of District of Columbia, within the District of Columbia, in which the military installation is located, or 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.

Sec. 8070. In addition to amounts provided in this Act, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer funds to other activities of the Department of Defense that procures malt beverages and wine to comply with the illness or hospitalization of an eligible military beneficiary.

Sec. 8071. Of the amounts appropriated in this Act under the headings “Procurement, Development, Test and Evaluation, Defense-Wide”, $479,736,000 shall be for the Israeli Cooperaive 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 (SRMD) program, including cruise missile defense research and development under the SRMD program, of which $39,200,000 shall be for production activities of SRMD 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 Program; and $44,306,000 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 section may be transferred to appropriations for production 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.

Sec. 8072. (a) None of the funds available to the Secretary of Defense may be obligated to transfer such funds to other activities of the Department of Defense that procures malt beverages and wine to comply with the illness or hospitalization of an eligible military beneficiary.

Sec. 8073. Of the amounts appropriated in this Act 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: $372,573,000 shall be transferred to the Appropriations Act of 2013 for the following purposes, without regard to any authority created under this Act: (1) Under the heading “Shipbuilding and Conversion, Navy, 2009/2013”: LHA Replacement Program $156,685,000; and (2) Under the heading “Shipbuilding and Conversion, Navy, 2007/2013”: LPD-17 Amphi- thurism, $133,381,000 shall be 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 be for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That these documents shall include 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 account: Provided further, That these documents shall only be handled in accordance with the procedures, $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Program; and $44,306,000 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 section may be transferred to appropriations for production 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 funds made available under this provision is in addition to any other transfer authority contained in this Act.

Sec. 8074. (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 Command, or for the procurement of weapons and equipment, to be merged with and to be available for the same purposes as the appropriation to which transferred: Provided further, That funds made available under this provision is in addition to any other transfer authority contained in this Act.

(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.

Sec. 8075. None of the funds provided in this Act shall be used for obligation or expenditure through a reprogramming of funds for any missile defense 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. 8076. 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 account: 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. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement, production, or to establish, maintain or operate any nuclear armed interceptors of a missile defense system.

Sec. 8078. In addition to the amounts appropriated in this Act, $20,000,000 is hereby appropriated for the Fiscal Year 2013 intelligence, surveillance, and reconnaissance, unmanned aerial systems.

Sec. 8079. None of the funds appropriated or made available in this Act shall be used to support any mission or activity or mission or activity of the Air National Guard or Air Force Reserve.

Sec. 8080. None of the funds provided in this Act shall be used 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 such integration and the resultant products 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. 8081. (a) At the time members of reserve component 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 extent of his obligations or service 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 direct operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. 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 the response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the period of availability and the condition originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8083. 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. 8084. (a) None of the funds appropriated by this Act may be used to transfer research, development, acquisition, or other national security authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for the operational control of the 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. 8085. Up to $15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation operations, such as humanitarian assistance and disaster relief, and to fund personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, subject to any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated for assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8086. The funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2014.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “National Intelligence and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriated under this Act: Provided, That the percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. The Director of National Intelligence shall budget exerts 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-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation programs exceeding more than $5,000,000 in any fiscal year, the R-1, Research, Development, Test and Evaluation Program; R-2, Research and Development Budget Item Justification; R-3, Research, Development, Test and Evaluation Project Cost Analysis; and R-4, Research, Development, Test and Evaluation Program Schedule.

SEC. 8088a. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees establishing 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.

3. An identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer beyond the parameters prescribed in the President’s budget program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program budget shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8089. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.


(INCLUDING TRANSFER OF FUNDS)

SEC. 8090a. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for Operation and Maintenance, Navy, “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 2939(d) of title 10, United States Code.

SEC. 8090b. Funds appropriated by this Act for operation and maintenance may be available for obligation and use for any purpose or purposes for which funds made available to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8090c. (a) Any agency receiving funds made available in this Act, shall, subject to...
subsections (b) and (c), post on the public Web site 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 (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. 8098. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to (1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any dispute 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 or harassment 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 agree to resolve through arbitration any dispute 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 or harassment of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies to the Secretary of Defense, for the purposes of a particular contract or subcontract, that the 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 to (1) 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 basis for the waiver. The Secretary may determine to make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination is awarded.

Sec. 8099. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8100. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, 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 this section, the Secretary of Defense may obligate or expend to pay a retired officer or flag officer who has been awarded full reserve status under section 652(b)(1) of title 10, United States Code, to serve as the mentor advising the Department of Defense, to make grants, contracts, or otherwise make available funds for the purposes of a particular contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8101. From within the funds appropriated for 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, modifying, and modernizing post-9/11 class guided missile cruisers CG–64, 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. 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 funded pursuant to any appropriation 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.

Sec. 8102. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,500 parking spaces (other than handicapped spaces) on the BRAC 133 project: Provided, That this limitation may be waived in part if (1) the Secretary of Defense certifies to Congress that the specific service at the BRAC 133 project in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual of a sustained 90-day period; (2) the Secretary of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense certifies to the congressional defense committees within 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 8107. None of the funds appropriated in this Act or any other Act may be used to plan, undertake, or otherwise participate in or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8108. None of the funds appropriated in this Act or any other Act may be used to plan, undertake, or otherwise participate in or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

Sec. 8109. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the head of the Office of Management and Budget, transfers not to exceed $2,000,000 of the funds made available in this Act for the National Intelligence Program to the Secretary of Defense for the purposes of a particular contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8105. There is hereby established in the Treasury of the United States the "Ship Modernization, Operations and Sustainment Fund" to be transferred to the "Ship Modernization, Operations and Sustainment Fund", to remain available until September 30, 2014: Provided, That the sources of funds transferred to the "Ship Modernization, Operations and Sustainment Fund" to appropriations in the Act, shall be the following:

SEC. 8110. In addition to amounts provided elsewhere in this Act, $270,000,000 for an additional amount for "Operation and Maintenance, Defense-Wide," to
be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, and the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal programs, to improve or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies as determined by the Secretary of Defense: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

Sec. 8111. 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) was held on or after June 24, 2009, at the United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

Sec. 8112. (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 or release an 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 jurisdiction over the individual; and

(B) a pre-trial agreement entered into 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 at which the individual is detained; and

(C) is not, as of the date of the certification, engaging in 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 substantially mitigate the risks caused by the individual's detention; and

(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 or support terrorism;

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

(i) is related to the individual or any associate of the individual;

(ii) could affect the security of the United States, its citizens, or its allies; and

(G) 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 of Defense, the Committee on Armed Services, and the Select Committee on Intelligence;

(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) does 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 jurisdiction over the individual; 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 paragraph (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 requirement;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify 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 was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk 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 inform the 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 mitigated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in this subparagraph or subsection to be waived.

(3) The assessment required by subsection (b)(2)(C) 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 of Defense, the Committee on Armed Services, the Select Committee on Intelligence, and the Permanent Select Committee on Intelligence of the House of Representatives.

The term "individual detained at Guantánamo" means any individual located at United States Naval Station, Guantánamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) in the custody or under the control of the Department of Defense; or

(3) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

(4) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 269 of the Immigration and Nationality Act (8 U.S.C. 1189).

Sec. 8113. (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, was 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. 8114. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any awarding agency that has assessed, or would be required to assess, any unilateral tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or, if 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. 8115. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to,
or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that such further action is not necessary to protect the interests of the Government.

SEC. 8116. None of the funds made available by this Act may be used in contravention of section 1244 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109-131), section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or in contravention of the requirements of section 106(c) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(c) or (h)).

SEC. 8117. None of the funds made available by this Act for International Military Education and Training, foreign military financing, excess defense article assistance, assistance under section 1206 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109-163; 119 Stat. 3456) issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, the Democratic Republic of the Congo, and Syria, may be used to support any military training or operation that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008 (Public Law 110-165; 22 U.S.C. 2370c–1).

SEC. 8118. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8119. None of the funds made available by this Act may be used to retire, divest, re-align, or transfer Air Force aircraft, to disestablish or convert units associated with such aircraft, to establish or convert any other unit of the Air National Guard or Air Force Reserve: Provided, That this section shall not apply to actions affecting C-5, C-17, or E-8 aircraft, or the units associated with such aircraft: Provided further, That this section shall continue in effect through the date of enactment of an Act authorizing appropriations for fiscal year 2013 for military activities of the Department of Defense.

SEC. 8120. The Secretary of the Air Force shall not 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. 8121. 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.

SEC. 8122. None of the funds made available by this Act shall be used to retire C-23 Sherpa aircraft.

SEC. 8123. The total amount available in the Act for pay for civilian personnel of the Department of Defense for fiscal year 2013 shall be the amount otherwise appropriated or made available for this Act for such pay reduced by $72,718,000.

SEC. 8124. None of the funds made available by this Act may be used to enter into a contract, agreement, or memorandum of understanding, or cooperative agreement with a contractor, or for funding or support of any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8128. None of the funds made available by this Act may be used to enter into a contract, agreement, or memorandum of understanding, or cooperative agreement with a contractor, or for funding or support of any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8130. None of the funds made available by this Act may be used by the Secretary of Defense to implement an enrollment fee for the TRICARE for Life program under chapter 55 of title 10, United States Code, that does not exist as of the date of the enactment of this Act.

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”, $1,425,156,000: 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”, $1,425,156,000: 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”, $156,803,000: 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.
OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $7,714,079,000: Provided, That of the funds provided under this heading, not to exceed $1,650,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical support 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 shall be 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 Secretary of Defense shall provide quarterly reports to the Congress and to the congressional defense committees on the projects and programs based on the information that the funds provided under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement paid to any government, or international organization, that is reasonably not reimbursable to the United States military forces, to be available until expended: Provided further, That the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, military construction accounts, or other accounts: Provided further, That the funding transferred shall be used for programs, projects, or activities categorized as Overseas Contingency Operations in the fiscal year 2013 budget request for the Department of Defense and the justification material and other documentation supporting that funding transferred shall be available to the Secretary of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation transferred: Provided further, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: Provided further, That the Secretary of Defense may transfer the funds transferred under this heading in addition to any other transfer authority available to the Department of Defense: 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 and shall be available for the same purposes and for the same time period as originally appropriated: 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.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $392,448,000: 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, NAVY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Navy National Guard", $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.

OVERSEAS CONTINGENCY OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated $582,841,000 for the "Overseas Contingency Operations Transfer Fund" for expenses directly related to Overseas Contingency Operations by United States military forces, to be available until expended: Provided, That the fund shall be used to reimburse key cooperating nations for reimbursement projects in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded under this heading in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded under this heading shall be returned to the Department of Defense for repurposing 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, to 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 Affairs, and the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amounts as 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.

AFGHANISTAN INFRASTRUCTURE FUND

For the "Afghanistan Infrastructure Fund", $325,000,000, to remain available until September 30, 2014: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Congress, the Commander of United Nations Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the Secretary of State and the Secretary of Defense, and the Secretary of State and the Secretary of Defense to provide assistance to foreign nations: Provided further, That funds may be transferred to the Department of State for the purpose of providing assistance to foreign nations, and used for the purpose of providing economic assistance, in accordance with sections 635 and 620 of the Foreign Assistance Act of 1961, to 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 congres-
sional defense committees in writing of the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the spe-
cific conditions on which the contributions are subject: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the con-
gressional 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 projects or types 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”, $550,700,000, 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 “Procure-
ment of Weapons and Tracked Combat Vehi-
cles, 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 AMMUNITION, ARMY
For an additional amount for “Procure-
ment of Ammunition, Army”, $35,800,000, 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”, $22,500,000, 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.

WEAPONS PROCUREMENT, NAVY
For an additional amount for “Procure-
ment of Ammunition, Navy and Marine
Corps”, $283,039,000, 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 “Procure-
ment of Ammunition, Navy and Marine
Corps”, $822,054,000, 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 Procure-
ment, 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, DEFENSE-WIDE
For an additional amount for “Procure-
ment, Defense-Wide”, $188,099,000, 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.

DEFENSE WORKING CAPITAL FUNDS
For an additional amount for “Defense Work-
ning Capital Funds”, $256,500,000: 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.

DEFENSE HEALTH PROGRAM
For an additional amount for “Defense Health Program”, $90,000: 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
For an additional amount for “Procure-
mation, Defense-Wide”, $2,680,270,000, 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 re-
serve components of the Armed Forces, $1,500,000,000, to remain available for obliga-
tions until September 30, 2015: Provided, That the transfers of the reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense commit-
ttees the modernization priority assessment for their respective National Guard or Re-
serve 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, ARMY
For an additional amount for “Research, Development, Test and Evaluation, Army”, $29,660,000, to remain available until Sep-
tember 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Ter-

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $29,660,000, to remain available until Sep-
tember 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Ter-

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE
Drug Introduction and Counter-Drug Activities, Defense

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $469,625,000, 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


Office of the Inspector General


General Provisions—This Title

§ 9001. Notwithstanding any other provision of law, none of the funds made available by 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

§ 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 $3,500,000,000 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 the amount transferred pursuant to this authority.

General Provisions—This Title

§ 9003. Funds made available by this title to the Department of Defense for operation and maintenance, and sealift, and other logistical support to the United States Armed Forces in Iraq, 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 needs 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 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 at 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.

Military construction—This title

§ 9004. Notwithstanding any other provision of law, any investment item unit cost of not more than $5,000,000, may be obligated and expended for purposes of the Congress of the United States Government for a purpose of not more than $250,000: Provided, That the AROC must approve the requirement and acquisition plan for any service required to be carried out.

The budget, implementation timeline with milestones, and completion date for the proposed project, including any CERP fundings that have been obligated to be contributed to the completion of the project.

§ 9005. Funds made available by this title to the Department of Defense for operation and maintenance, and sealift, and other logistical support to the United States Armed Forces in Iraq, 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 needs 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 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 at 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.

Military construction—This title

§ 9006. Funds made available by this title to the Department of Defense for operation and maintenance, and sealift, and other logistical support to the United States Armed Forces in Iraq, 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 needs 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 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 at 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.

Military construction—This title

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

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

Military construction—This title

§ 9008. Funds made available by this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Security Council Resolution 1816 and Other Criminal, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984): Provided, That the Secretary of State may waive any such law or regulations in accordance with the following laws enacted or regulations promulgated to implement the United Nations Security Council Resolution 1816 and Other Criminal, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):
this section for any project with a total antici-
pated cost of $5,000,000 or more, the Secre-
tary shall submit to the congressional de-
fense committees a written notice contain-
ing 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 $568,000,000 may be used by 
the Secretary of Defense, notwithstanding 
any other provision of law, to support United 
States Government contingency operations 
in Iraq by funding the operations and activities 
of the Office of Security Cooperation in Iraq and 
security assistance teams, including life 
support, transportation, armaments, and perso-
nal 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 Of-
fice of Security Cooperation in Iraq may, 
with the concurrence of the Secretary of 
State, include non-operational training ac-
tivities in support of Iraqi Ministry of De-
defense and Counter Terrorism Service per-
sontel in an institutional environment to 
address capability gaps, integrate processes 
relating to intelligence, air sovereignty, 
combined arms, logistics and maintenance, 
and to manage and integrate defense-related 
intelligence:
Provided further, That not later than 30 
days following the enactment of this Act, the 
Secretary of Defense and the Secre-
tary of State shall submit to the congress-
ional defense committees a plan for 
transitioning any such training activities 
that they determine are needed after the end 
of fiscal year 2013, to existing or new con-
tracts 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 
pursuant to the authority provided in this 
section, the Secretary of Defense shall sub-
mit to the congressional defense committees 
a written notification containing a detailed 
justification and timeline for the operations 
and activities of the Office of Security Co-
operation in Iraq at each site where such op-
erations and activities will be conducted 
during fiscal year 2013.

(RECENSIONS)

SEC. 9013. Of the funds appropriated in De-
partment of Defense appropriations acts, 
the following funds are hereby rescinded 
from the following accounts and programs in 
the specified amounts:
Provided, That such amounts shall be the 
amount, not to exceed $80,173,000 shall be 
available for study, planning, design, and 
architect and engineer services, as author-
ized by law, unless the Secretary of De-
fense determines that additional obligations are 
necessary for such purposes and notifies the 
Committees on Appropriations of both 
Houses of Congress of the determination and 
the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE 
CORPS

For acquisition, construction, installation, 
and equipment of temporary or permanent 
public works, naval installations, facilities, 
and real property for the Navy and Marine 
Corps as currently authorized by law, includ-
ing personnel in the Naval Facilities Engi-
neering Command and related services 
necessary for the purposes of this appro-
nation, $1,549,164,000, to remain available 
until September 30, 2017:
Provided, That of this amount, not to exceed 
$162,619,000 shall be available for study, plan-
ing, design, and architect and engineer 
services, as authorized by law, unless the 
Secretary of the Navy determines that addi-
tional obligations are necessary for such pur-
poses and notifies the Committees on Appro-
priations of both Houses of Congress of the determination and 
the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE 
INCLUDING TRANSIENT MILITARY CONSTRUCTION

For acquisition, construction, installation, 
and equipment of temporary or permanent 
public works, installations, facilities, and 
real property for activities and agencies of 
the Department of Defense (other than the 
mental departments), as currently 
authorized by law, $3,582,425,000, to remain 
available until September 30, 2017:
Provided, That such amounts of this appro-
nation as may be determined by the Secretary 
of Defense may be transferred to such appropriations of the Department of Defense available for 
for military construction as the Secretary 
may designate, to be merged with and to 
available for the same pur-
poses, and for the same time period, as the 
appropriation or fund to which transferred:
Provided further, That of the amount appro-
noted, not to exceed $315,562,000 shall be 
available for study, planning, design, and 
architect and engineer services, as authorized 
by law, unless the Secretary of Defense 
determines that additional obligations are 
necessary for such purposes and notifies the 
Committees on Appropriations of both 
Houses of Congress of the determination and 
the reasons therefor:

MILITARY CONSTRUCTION, ARMY NATIONAL 
GUARD

For construction, acquisition, expansion, 
rehabilitation, and conversion of facilities 
for the training and administration of the 
Army National Guard, and contributions 
therefor, as authorized by chapter 1803 of 
title 10, United States Code, and Military 
Construction Acts, $639,799,000, to remain 
available until September 30, 2017:
Provided, That of the amount
applied, not to exceed $26,622,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**Military Construction, Air National Guard**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $42,386,000, to remain available until September 30, 2017. Provided, That of the amount appropriated, not to exceed $4,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**Military Construction, Army Reserve**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve, as authorized by chapter 1804 of title 10, United States Code, and Military Construction Authorization Acts, $45,846,000, to remain available until September 30, 2017. Provided, That of the amount appropriated, not to exceed $15,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**Military Construction, Navy Reserve**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Navy Reserve, as authorized by chapter 1805 of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $49,532,000, to remain available until September 30, 2017. Provided, That of the amount appropriated, not to exceed $2,118,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**Military Construction, Air Force Reserve**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $50,979,000, to remain available until September 30, 2017. Provided, That of the amount appropriated, not to exceed $2,879,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**North Atlantic Treaty Organization Security Investment Program**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Organization, as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $254,163,000, to remain available until expended.

**Family Housing Construction, Army**

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $4,641,000, to remain available until September 30, 2017.

**Family Housing Operation and Maintenance, Army**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $530,051,000.

**Family Housing Construction, Navy and Marine Corps**

For expenses of family housing for the Navy and Marine Corps for acquisition, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $102,162,000, to remain available until September 30, 2017.

**Family Housing Operation and Maintenance, Navy and Marine Corps**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $378,230,000.

**Family Housing Construction, Air Force**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $53,824,000, to remain available until September 30, 2017.

**Family Housing Operation and Maintenance, Air Force**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $497,829,000.

**Family Housing Operation and Maintenance, Defense-Wide**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for acquisition, maintenance, leasing, and minor construction, as authorized by law, $52,238,000.

**Department of Defense Family Housing Improvement Fund**

For the Department of Defense Family Housing Improvement Fund, $1,786,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2683 of title 10, United States Code, providing for the construction, acquisition, or lease of facilities for improving military family housing and supporting facilities.

**Chemical Demilitarization Construction, Defense Department**

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $151,000,000, to remain available until September 30, 2017, which shall be available for the Assembled Chemical Weapons Alternatives program.

**Department of Defense Base Closure Account 1990**

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $126,697,000, to remain available until expended.

**Department of Defense Base Closure Account 2005**

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $530,051,000, to remain available until expended.

**Administrative Provisions**

Sec. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Sec. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

Sec. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of roads or streets as required by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

Sec. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

Sec. 105. None of the funds made available in this title shall be used to acquire land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General, where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

Sec. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.
SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title shall be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been notified of the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title may be used for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations of the Congress, of any proposed military exercise involving two or more armed forces of the United States or of any foreign government agency has indicated it will assume military construction responsibility for any military construction project, land acquisition, or family housing project to an amount of more than $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, operation, maintenance, and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provi- sion of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funding for all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for utilities and furnishings of any general or flag officer quarters with 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that any project or contract, or any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Base Closure and Realignment Act (10 U.S.C. 2878 note) pursuant to section 207(a)(2)(U) of such Act, may be transferred to be merged with and to be available for the purposes of the鹊uef Contracting Fund created by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2878 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be necessary to carry out the authority of the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction of Family Housing accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 522(e) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, for the purpose of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2878 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3574) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3574(a)(1)(A). Any amounts transferred under subchapter IV of title 29, United States Code, for the purpose of carrying out such project would be less than the amount appropriated for such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project, The Secretary of Defense may not transfer funds made available as a result of military construction, land acquisition, or family housing project to another account or use such funds for another purpose without prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense may not notify the congressional defense committees of plans to cancel such a project or transfer funds.
The text of the document is too long and complex to be fully transcribed into a readable format here. It appears to be a legislative text, likely from the U.S. Congress, discussing various financial allocations and authorizations for different programs and projects. The text includes references to specific appropriations acts, titles, and sections of law, indicating a detailed legislative framework for funding and overseeing federal expenditures.
the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions, on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, and other necessary Veterans Health Administration; for administrative expenses in support of capital policy activities; and administrative and legal services, for providing, contracting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, $582,674,000, plus reimbursements, shall remain available until September 30, 2014.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, demolition, renovation, or construction of facilities under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural services not otherwise provided for; for leases of facilities; and for laundry services, $1,872,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 135 of title 38, United States Code, $582,674,000, plus reimbursements, shall remain available until September 30, 2014.

NATIONAL CEMETARY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, uniforms or allowances therefor; not to exceed $20,837,000 shall remain available until September 30, 2014:

- $424,737,000, of which not to exceed $30,630,000 shall be subject to compliance with Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $3,327,444,000, plus reimbursements:
- Provided further, That amounts made available for the cost of overseas travel and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including information systems associated with operations authorized by section 3109 of title 5, United States Code, $3,327,444,000, plus reimbursements: Provided, That $94,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the funds made available under this heading, not to exceed $30,630,000 shall remain available until September 30, 2014.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay systems,包括 federal services, administration''.

BENEFITS ADMINISTRATION

For necessary expenses of the Department of Veterans Affairs, not otherwise provided for, including costs of developing and maintaining new facilities, including uniforms or allowances therefor; not to exceed $126,000,000 shall remain available until September 30, 2014:

- $3,327,444,000, plus reimbursements: Provided, That amounts made available for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including information systems associated with operations authorized by section 3109 of title 5, United States Code, $3,327,444,000, plus reimbursements: Provided, That $94,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the funds made available under this heading, not to exceed $30,630,000 shall remain available until September 30, 2014.

GENERAL ADMINISTRATION

For necessary expenses of the Department of Veterans Affairs, not otherwise provided for, including costs of developing and maintaining new facilities, including uniforms or allowances therefor; not to exceed $113,000,000 shall remain available until September 30, 2014:

- $3,327,444,000, plus reimbursements: Provided, That amounts made available for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including information systems associated with operations authorized by section 3109 of title 5, United States Code, $3,327,444,000, plus reimbursements: Provided, That $94,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the funds made available under this heading, not to exceed $30,630,000 shall remain available until September 30, 2014.

Pension Benefit Guaranty Corporation

For necessary expenses of the Pensions Benefit Guaranty Corporation, including salaries and expenses, not to exceed $5,000,000 shall be available for the purpose of providing pension benefit guaranty to employees of the Federal Government and other employers, funds of which are insured by the Corporation: Provided, That amounts made available for expenses of the Pensions Benefit Guaranty Corporation, for the payment of pension and annuity benefits, and for the payment of the expenses of the Corporation shall be subject to the provisions of legislation relating to Federal retirement programs, and the amount made available for any such purpose shall be equal to the amount of contributions payable from the Pension Fund relating to such purpose.
Provided further, That the funds provided for information technology systems development, modernization, and enhancement for the development of a joint Department of Defense—Veterans Affairs (DOD–VA) integrated electronic health record (iEHR), not more than 25 percent may be obligated until the DOD–VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) defines the budget and capital investment plan for the development of the integrated Electronic Health Record; (2) identifies the deployment timeline for the system for each Department; (3) breaks down capital and total spending for each Department; (4) relays detailed cost-sharing business rules; (5) establishes data standardization schedules between departments; (6) has been submitted to the Government Accountability Office for review; and (7) complies with the acquisition rules, requirements, guidance, and systems acquisition management practices of the Federal Government: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described below; and the matter preceding division A of this consolidated Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $15,000,000, of which $6,000,000 shall remain available until September 30, 2014.

CONSTRUCTION: MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment provided by Federal and non-Federal sources, project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project to be less than the amount set forth in title 810a(a)(3)(A) of title 38, United States Code, $607,500,000, to remain available until September 30, 2017, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in title 810a(a)(3)(A) of title 38, United States Code, to be used to construct, alter, extend, and improve, or to acquire or construct State nursing home and domiciliary facilities and necessary alteration or remodeling of existing hospital, nursing home, and domiciliary facilities, to the extent that the Secretary of Veterans Affairs may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress a written report on any amounts appropriated for a project, elections, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers from the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued. Such transfers shall be regulated as follows: Provided, That any appropriations in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriate amounts for construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new building, hospital, or similar facility.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.,) unless reimbursement of the cost of such hospitalization or examination is made to the Department of Veterans Affairs at rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Rehabilitation benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations corresponding to any Appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are not paid by the due date required by law, then the Secretary of Veterans Affairs may take place, subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 15 days shall be extended.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving State veterans cemeteries as authorized by sections 1920 of title 38, United States Code, $100,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 201. Any appropriation for fiscal year 2013 for "Compensation and pensions", "Rehabilitation benefits", and "Veterans insurance and indemnities" shall be available for the benefit of any veteran entitled to benefits under any of the aforementioned provisions: Provided, That any such benefits may be payable to the legal representative of a veteran entitled to such benefits.

SEC. 202. Any appropriation for fiscal year 2013, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts. Provided, That any transfers between the "Medical services" and "Medical support and compliance" accounts may be transferred among the accounts.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriate amounts for construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new building, hospital, or similar facility.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.,) unless reimbursement of the cost of such hospitalization or examination is made to the Department of Veterans Affairs at rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Rehabilitation benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations corresponding to any Appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are not paid by the due date required by law, then the Secretary of Veterans Affairs may take place, subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 15 days shall be extended.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving State veterans cemeteries as authorized by sections 1920 of title 38, United States Code, $100,000,000, to remain available until expended.

SEC. 201. Any appropriation for fiscal year 2013 for "Compensation and pensions", "Rehabilitation benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.
“General operating expenses, Veterans Benefits Administration” and “Information technology systems” accounts for the cost of administration of the insurance programs financed from fees and charges accounts; Provided: That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2013 that is in excess of dividends in the program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administering an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earned: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2013 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Sect. 214. (a) Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services may be obligated by the Secretary during the fiscal year in which the proceeds are received.

[INCLUSION OF TRANSFER OF FUNDS]

Sect. 216. Funds available in this title or funds from other authorities may be transferred to the “Construction, major projects” and “Construction, minor projects” accounts for use by the office that received the funds.

Sect. 217. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical services”, to remain available until expended for the purposes of that account.

Sect. 220. Amounts made available under “Medical services” are available—

1. For furnishing recreational facilities, supplies, and services.

2. For funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

[INCLUSION OF TRANSFER OF FUNDS]

Sect. 221. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with the veterans health care and benefits programs authorized by title II of division H of Public Law 112–74, the Duncan Hunter National Defense Authorization Act for the Department of Veterans Affairs and other Health Care Programs Fiscal Year 2010 (Public Law 111–81; 123 Stat. 493); or title II of division H of Public Law 112–74, the Duncan Hunter National Defense Authorization Act for the Department of Veterans Affairs and other Health Care Programs Fiscal Year 2010 (Public Law 111–81; 123 Stat. 493).
on October 1, 2012, are hereby rescinded from the following accounts in the amounts specified:
(1) “Department of Veterans Affairs, Medical services”, $12,000,000.
(2) “Department of Veterans Affairs, Medical support and compliance”, $200,000,000.
(3) “Department of Veterans Affairs, Medical facilities”, $250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:
(1) “Department of Veterans Affairs, Medical services”, $3,029,000,000.
(2) “Department of Veterans Affairs, Medical support and compliance”, $200,000,000.
(3) “Department of Veterans Affairs, Medical facilities”, $250,000,000.

SEC. 227. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings and shall describe the anticipated amount of bid savings and shall describe the anticipated amount of bid savings within 14 days of a contract identifying the expected amount of bid savings.

SEC. 228. The scope of work for a project included in “Construction, major projects” may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 229. The Secretary of the Department of Veterans Affairs, to provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

SEC. 230. The Secretary shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming request if at any point during fiscal year 2013, the funding allocated for a medical care initiative identified in the fiscal year 2013 expenditure plan for more than $25,000,000 from the allocation shown in the congressional budget justification. Such a reprogramming request may go forward if the Committees on Appropriations of both Houses of Congress approve the request or if a period of 14 days has elapsed.

SEC. 231. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 5(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2))) that are included in the database under section 521(f) of title 38, United States Code, any preference in bidding with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 232. Funds made available under the heading “Medical services” in title II of division H of Public Law 112–74 may be used to carry out section 1378 of title 38, United States Code.

SEC. 233. None of the funds made available in this Act shall be used for conducting or supporting any television, radio, or film presentation described in section 251(b)(2)(B)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 301. Funds appropriated in this Act under the heading, “Department of Defense—Civil, Cemeterial Expenses, Army”, may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making the additional land available for a burial ground.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, $150,768,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

(including rescission of funds)

SEC. 401. Of the unobligated balances in section 206 in title X, of Public Law 112–10 and division H in title IV of Public Law 112–74, $150,768,000 are hereby rescinded: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, unless authorized by law to be used for such purposes.

SEC. 503. None of the funds made available in this Act are likely to be transferred to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or oppose legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act, unless expressly so authorized by law, except for programs, projects, or activities within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. Unless stated otherwise, all reports and notifications required by law under this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 507. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government in any way except to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 508. None of the funds made available in this Act may be used for a project or program that is not authorized by law.
SEC. 508. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted to the Congress in this Act or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall, after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days,

SEC. 509. None of the funds made available in this Act may be used to establish or operate a network unless such network blocks the viewing, downloading, and exchanging of pornography.

SEC. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

SEC. 511. (a) None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 512. None of the funds appropriated or otherwise made available in this Act may be used to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 513. None of the funds provided in this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 514. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 515. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 516. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency that are stationed within the United States at any single conference occurring outside a state of the United States, except to the extent that such employees are Veterans Affairs stationed in the Philippines, unless the relevant Secretary reports to the Committees on Appropriations of both Houses of Congress that such attendance is important to the national interest.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013”.

DIVISION C—FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

The following sums hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2013, and for other purposes, namely:

TITLES I—GENERAL PROVISIONS

SEC. 101. (a) Such amounts as may be necessary, at the level specified in subsection (c), and under the authority and conditions provided in applicable appropriations Acts for fiscal years 2011 and 2012, and in laws listed in section 1101 shall be available through section 735 of such Act.

(b) Appropriations made by this section shall be available for the same purposes as appropriations made under section 735 for fiscal year 2011, and for项目的活动, including the costs of direct loans and loan guarantees) that are not otherwise specifically prohibited by law; and (c) funds, or other authority were made available in the following appropriations Acts:

SEC. 102. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (division A of Public Law 112–55), except for the appropriation designated by the Congress for being for disaster relief in section 735 of such Act.

SEC. 103. The Department of Transportation, Federal Highway Administration, Emergency Relief Act, 2012 (division F of Public Law 112–74).


SEC. 107. The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012 (division F of Public Law 112–74).

SEC. 108. The Legislative Branch Appropriations Act, 2012 (division G of Public Law 112–74).

SEC. 109. None of the funds provided in this Act or in the applicable appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that such level shall be carried forward without regard to the expiration of funds or other authority, other than—

(1) the 0.16 percent across-the-board rescission in section 430 of division E of Public Law 112–74 (relating to the Department of Labor, Health and Human Services, and Education, and Related Agencies); and

(2) the 0.189 percent across-the-board rescission in section 527 of division F of Public Law 112–74, (relating to the Departments of Labor, Health and Human Services, and Education, and Related Agencies).

SEC. 1102. Appropriations made by section 101 shall be available to the extent that in the manner that would be provided by the pertinent appropriations Acts.

SEC. 1103. Appropriations provided by this division in the appliable appropriations Act for fiscal year 2012, carried a multiplier of 1.0 for the purposes of this section.

SEC. 1104. No appropriation or funds made available or authorized pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2012.

SEC. 1105. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101 shall continue in effect through the date specified in section 1106.

SEC. 1106. None of the funds appropriated or otherwise made available for in this Act may be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2012.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Resolution, 2013 (Public Law 112–155) shall be charged to the applicable appropriation, fund, or authority provided by this division.

subsection (b), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

(2) in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

and

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

and

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

and

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;

and

in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013.”;
the Agricultural Credit Act of 1978 (Emergency Watershed Protection Program; 16 U.S.C. 2233) for necessary expenses resulting from a major disaster declared pursuant to the Federal Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That the Secretary of Agriculture shall transfer these funds to the Natural Resources Conservation Service, National Agricultural Statistics Service, Food and Nutrition Service, Supplemental Nutrition Assistance Program.

SEC. 1210. Section 1109(a) of this division shall not be construed to change the requirement that $3,000,000,000, to remain available until expended, may be obligated and spent for any purpose, including for “Domestic Food Programs, Food and Nutrition Service, Supplemental Nutrition Assistance Program.”

Pursuant to subsection section 1191, the level for “Agricultural Programs, National Agricultural Statistics Service” shall be $179,477,000, of which up to $52,500,000 shall be available for obligation as necessary to maintain the staffing level for the Census of Agriculture.

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

SEC. 1301. Notwithstanding section 1101, the level for “National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction” shall be $1,851,036,000, of which $302,000,000 shall be for the Operational Environmental Satellite-R system.

SEC. 1302. Notwithstanding section 1101, the level for each of the following accounts shall be $0: “Department of Justice, National Drug Intelligence Center”; “Department of Justice, Drug Enforcement Administration, National Drug Intelligence Center”; “Department of Justice, Drug Enforcement Administration, Construction”.

SEC. 1303. Notwithstanding section 1101, the level for “Department of Justice, General Administration, Justice Information Sharing Technology” shall be $22,000,000.

SEC. 1304. Notwithstanding section 1101, the level for “Department of Justice, Federal Bureau of Investigation, Salaries and Expenses” shall be $8,165,520,000.

SEC. 1305. Notwithstanding section 1101, the level for “Department of Justice, Federal Prison System, Salaries and Expenses” shall be $6,689,481,000.

SEC. 1306. Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance” shall be $1,962,500,000: Provided, That the amounts included under such heading in division B of Public Law 112–55 shall be applied to funds appropriated as necessary to maintain the staffing level for the Consolidated Prisoner Information System, which $5,000,000 shall be for development and demonstration.

SEC. 1307. Of the unobligated balances available for “Department of Justice, Legal Activities, Assets Forfeiture Fund”, $675,000,000 is rescinded.

SEC. 1308. Of the unobligated balances available for “Department of Justice, Federal Prison System, Buildings and Facilities”, $54,700,000 is rescinded, to be derived from amounts for the “Acquire Existing Inmate Housing Capacity” fund.

SEC. 1309. Section 503 of division B of Public Law 112–55 shall be applied to funds appropriated by this division by substituting “377,000,000” for “470,000,000”; and by substituting “$0” for “$100,000,000”.

SEC. 1310. Of the unobligated balances available for “Department of Justice, Legal Activities, Assets Forfeiture Fund”, $675,000,000 is rescinded.

SEC. 1311. Section 1101, the level for “National Aeronautics and Space Administration, National Nuclear Security Administration, Nuclear Nonproliferation, Aeronautics and Space Administration, Exploration” shall be $4,152,000,000: Provided, That the amounts included under such heading in division B of Public Law 112–55 shall be applied to funds appropriated by this division as follows: by substituting “$112,000,000” for “$1,360,000,000”; by substituting “$252,000,000” for “$210,000,000”; by substituting “$308,000,000” for “$304,800,000”; by substituting “$454,000,000” for “$316,500,000”; and by substituting “$245,000,000” for “$265,000,000”.

SEC. 1312. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “National Aeronautics and Space Administration, Operations”, $4,000,000,000; and “National Aeronautics and Space Administration, Cross Agency Support”, $2,847,400,000.

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES


(b) Section 303(c) of division B of Public Law 112–55 authorizes amounts to be made available by this section.

SEC. 1402. In addition to amounts otherwise made available by this division, $150,000,000 is appropriated for the “National Energy and Nuclear Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation” for domestic uranium enrichment research, development, and demonstration.

SEC. 1403. Section 1704 of title 40, United States Code, relative to amounts made available by this division by substituting the date specified in section 1106 of this division for “October 1, 2012”.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. (a) Notwithstanding any other provision of this division, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 6620 (112th Congress), as reported by the Committee on Appropriations, that are necessary to maintain a level not less than 34,000 detention beds as required in the sixth proviso under such heading in division D of Public Law 112–74.

(b) Not later than 30 days after the date of the enactment of this division, the Assistant Secretary for Homeland Security, U.S. Customs and Border Protection, shall certify to the Congress a detailed budgetary estimate for the operations of the Border Patrol, the Customs and Border Protection, the Office of Inspector General, and the Office of the Commissioner.

SEC. 1502. Of the unobligated balances available for “Department of the Treasury, Office of Inspector General, Salaries and Expenses” for the 2013 fiscal year, any use, obligation, transfer, or allocation of such funds shall be treated as a reprogramming of funds under section 505 of division B of Public Law 112–55.

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2013, and any use, obligation, transfer, or allocation of such funds shall be treated as a reprogramming of funds under section 505 of division B of Public Law 112–55.

(d) Of amounts available in the Department of Justice Budget For Fiscal year 2013, $154,700,000 shall be for payments associated with joint law enforcement operations in fiscal year 2013 as authorized by section 524(c)(1)(1) of title 28, United States Code.

(e) The Attorney General shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of enactment of this division detailing the planned distribution of the Department of Justice Assets Forfeiture Fund joint law enforcement operations funding during fiscal year 2013.

(f) Subsections (a) through (d) of this section shall become effective upon the date specified in section 1106 of this division.

SEC. 1503. Notwithstanding section 1101, the fifth proviso under the heading “Federal Communications Commission, Salaries and Expenses” in division D of Public Law 112–74 shall be applied by substituting “$98,739,000” for “$85,000,000”.

SEC. 1504. Notwithstanding any other provision of this division, amounts made available by section 1101 for “Department of the Treasury, Office of Inspector General, Salaries and Expenses” may be used for activities in connection with section 1802(e) of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (subtitle F of title I of division A of Public Law 112–141).

SEC. 1505. Notwithstanding section 1101, the level for “Office of Government Ethics, Salaries and Expenses” shall be $18,664,000, of which $5,000,000 shall be for development and demonstration of the Office of Government Ethics’ publicly accessible database required in section 11(b) of the Stocket Act (Public Law 112–105).

SEC. 1506. Notwithstanding section 1101, the level for “Small Business Administration, Business Loans Program Account” for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958 shall be $333,500,000.

SEC. 1507. Of the unobligated balances available for “Department of the Treasury, Tax Exempt and Government Purpose Facilities Account”, $500,000,000 is rescinded.

TITLE VI—HOMELAND SECURITY

SEC. 1601. (a) Amounts made available by this division for “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses” shall be obligated as necessary to maintain the staffing levels (including by backfilling vacant positions, hiring Border Patrol agents, and Border Patrol officers, and Air and Marine interdiction agents in effect at the end of the fourth quarter of fiscal year 2012, or with respect to Border Patrol agents, at such greater levels as may otherwise be required in the second proviso under such heading in division D of Public Law 112–74.

(b) Not later than 30 days after the date of the enactment of this division, the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses” at the program, project, and activity level that specifies how the Commissioner will maintain staffing levels as required under subsection (a) throughout fiscal year 2013.

SEC. 1602. (a) Amounts made available by this division for “Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses” that are obligated as necessary to maintain a level not less than 34,000 detention beds as required in the sixth proviso under such heading in division D of Public Law 112–74.
the availability of funds for post-production costs: Provided further, That the Coast Guard may decommision one High Endurance Cutter, retire 3 EU-24 aircraft, disestablish the Polar Aerial Reconnaissance and Environmental Observations, and disestablish the Vintage Vessel National Center of Expertise.

Sect. 1606. The following amounts are rescinded:
(1) Of the funds made available for “Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements” in Public Law 112–280, $329,25,000,000, to be derived from the amounts made available under such heading for the fourth National Security Cutter.
(2) Of the funds available for “Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements” in Public Law 112–10, $45,500,000, to be derived from the amounts made available under such heading for the fifth National Security Cutter.

Sect. 1607. (a) Notwithstanding section 1101, the level for “Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security” shall be $1,138,528,000: Provided, That, $228,000,000 shall be for Network Security Deployment, and $218,000,000 shall be for Federal Network Security to establish and sustain essential cybersecurity activities, including procurement and operations of continuous monitoring and diagnostics systems and intrusion detection systems for civilian Federal computer networks: Provided further, That the aggregate amount made available in the preceding proviso for Network Security Deployment and Federal Network Security, $213,000,000 shall remain available until September 30, 2014.
(b) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the House of Representatives and the Senate an updated expenditure plan for essential cybersecurity activities described in subsection (a).

Sect. 1608. Section 532(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–90) is amended by striking “2012” and inserting “2013”.

Sect. 1609. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–90) is amended—
(A) by striking “$10,000,000” from unobligated balances available from prior appropriation Acts, the following amounts are rescinded:
(1) Of the amounts made available by section 140(b) of Public Law 112–175 (126 Stat. 1321), $7,500,000 is rescinded.

Sect. 1705. Notwithstanding subsection (d)(2) of section 35 of the Federal Insecticide, Fish and Wildlife Coordination Act (7 U.S.C. 136w–8), the Administrator of the Environmental Protection Agency may assess pesticide registration service fees under such section for fiscal year 2013.

Sect. 1706. Notwithstanding section 1101, the level for “Department of Agriculture, Forest Service, Wildland Fire Management” shall be $2,414,590,000. In addition to such amount, there is appropriated $40,000,000 for an additional amount for fiscal year 2013 for such account, to remain available until expended, for repayment to other appropriation accounts from which funds were transferred in fiscal year 2012 for wildfire suppression.

Sect. 1707. The authority provided by section 140 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (enacted by reference in section 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note) shall continue in effect through the date specified in section 1106 of this Act.

Sect. 1708. Notwithstanding section 1101, the level for “Presidio Trust, Presidio Trust Fund” and “Dwight D. Eisenhower Memorial Commission, Capital Construction” shall be $0.
TITLE VIII—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Sec. 8001. Of the funds made available to the “Department of Labor, Employment Training and Workforce Development” account by this division, $4,169,640,000 shall be for the “Employment Security Administration”, $3,075,000,000 shall be for the “State Rehabilitation Services Institute”, $1,109,700,000 is rescinded. Provided, That not less than $15,000,000 shall be transferred within 30 days of enactment of this division to the “Employment Training and Workforce Development” account for the Balanced Budget and Emergency Deficit Control Act of 1985, and that the level provided under such heading for the “Job Corps” account be available until expended. Provided, That not less than $93,193,582,670 for fiscal year 2013 shall be made available to the “Job Corps” account for the Balanced Budget and Emergency Deficit Control Act of 1985, and that the level provided under such heading for the “Job Corps” account be available until expended; and “Architect of the Capitol”, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the Capitol, the Architect of the 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(11) by substituting “section 405(a)(1)(C) of title 23, United States Code” for “section 410 ‘Alcohol-Impaired Driving Countermeasures Grant Program’ under section 2105(b)(1) of this Act”;

(12) by substituting “$90” for “$750,000”; and

(13) by substituting “$30” for “$25,000,000.”

Sec. 2103. The matter under the heading “Department of Transportation, Federal Transit Administration, Formula and Bus Grants” in division C of Public Law 112–55 shall be applied to amounts made available by the appropriation accounts incorporated or otherwise contained in this Act, and the accompanying reports covering such account or item.

(d) This section shall not apply to—

(1) amounts provided by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act; or

(2) the amount made available by division C of this Act for “Social Security Administration, Limitation on Administrative Expenses” for continuing disability reviews under titles II and XVI of the Social Security Act in conducting redeterminations of eligibility under title XVI of the Social Security Act.

(e) For purposes of each of the Acts of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Congress on Appropriations of the House of Representatives and the Senate, in a report specifying the account and amount of each rescission made pursuant to this section.

Sec. 3002. Notwithstanding any other provision of this Act, if, on or after the date of enactment of this Act, a sequestration order issued by the President pursuant to section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is in effect, the reductions in each discretionary account under such order shall apply to the amounts provided in this Act consistent with section 251(b)(1) of that Act, and shall be in addition to any reductions required by section 251(a) of that Act.


The following is an explanation of the Department of Defense, Military Construction, Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013. The divisions contained in the Act are as follows:

Division A—Department of Defense Appropriations Act, 2013; Division B—Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013; Division C—Full-Year Continuing Appropriations Act, 2013; and Division D—Across-the-Board Reductions.

The conference agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended by the Budget Enforcement Act of 1990 (Public Law 101–508), the terms “program, project, and activity” for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2013, the related classified annexes and explanatory statements, and the P-1 and R-1 budget justification documents as subsequently modified by congressional action. The following exception to the above definition shall apply: for the military personnel and the operation and maintenance accounts, for which the term “program, project, and activity” is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. At the time the President submits the budget for fiscal year 2014, the Department of Defense is directed to submit to Congress the classified annexes and the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2014.

In carrying out any Presidential sequestration, the Department of Defense and related agencies shall conform to the definition for “program, project, and activity” set forth above except that the term “program, project, and activity” for the military personnel and operation and maintenance accounts will be exempt from sequestration per the notification made by the Director of the Office of Management and Budget on July 31, 2012.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the accompanying classified annex.

CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase “only for” are contained in the accompanying special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these
The conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees annual DD Form 1416 reports for titles I and II and quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles III and IV of this Act. Reports for titles III and IV shall comply with guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogramming required reviews that are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test, and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of an operation and maintenance (O–M), a procurement (P–1), or a research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming and justification requirements established in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitations that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test, and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of an operation and maintenance (O–M), a procurement (P–1), or a research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming and justification requirements established elsewhere in this statement.

FUNDING INCREASES

The funding increases outlined in the tables for each appropriation account shall be provided only for the specific purposes indicated in the tables.

SHIP MODERNIZATION, OPERATIONS AND SUSTAINMENT FUND

As detailed in House Report 112–493 and Senate Report 112–196, the conferees remain concerned with the Navy’s proposal to prematurely retire capable and relevant ships with over 100 years of remaining service life following an initial investment of no less than $14,600,000,000 in current fiscal year 2012 dollars.

Therefore, the conferees recommend denying these proposed retirements and direct the Secretary of the Navy to retain this force structure in its entirety. The conferees recommend funding, as authorized by the Navy, to man, operate, sustain, upgrade, and modernize only CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73, LSD–41, and LSD–46 in the “Ship Modernization, Operations and Sustainment Fund”, as specified elsewhere in this conference agreement. The conferees recommend full funding for all known requirements only for these specific platforms for the next two fiscal years, and provide the Secretary of the Navy the authority to transfer funds from the “Ship Modernization, Operations and Sustainment Fund” to the appropriate appropriation accounts in the year of execution following 30 day prior notification to the congressional defense committees. The conferees direct funds to be transferred in accordance with the requirements previously identified to the congressional defense committees by the Navy and further direct that any deviation from those requirements shall be fully and clearly identified to the congressional defense committees prior to the initiation of any such transfer. The conferees believe that this approach provides the fiscal relief required by the Navy to maintain this force structure and allows the Navy sufficient time to plan and budget for this force structure in future budget submissions.

Additionally, the conferees direct the Comptroller General to review the Navy’s methodology and analysis regarding its decommissioning proposal, to include an analysis of the extent to which readiness metrics, maintenance, and inspection data; operating and support costs; and cost metrics related to initial and proposed curtailing service lives were considered. This review shall also address the extent to which decommissioning costs and any costs for maintaining or acquiring like capabilities were considered, the extent to which combatant command requirements were taken into account when the proposal was made, and the impact of the reduced fleet size on the Navy’s ability to meet operational and personnel tempo goals and maintenance requirements. The results of this review should be submitted to the congressional defense committees no later than 180 days after the enactment of this Act.

In addition, the USNS Port Royal (CG–73) incurred significant damage following a grounding incident in 2009. Following the incident, the ship was repaired and has since completed a deployment. However, while the Navy claims that the ship never completely recovered from the grounding, the Navy has failed to provide adequate analysis and cost data on the structural condition of the USNS Port Royal. Therefore, the conferees direct the Secretary of the Navy to carry out an independent structural assessment of the USNS Port Royal that includes a comparative structural assessment to other cruisers of the same class. The independent review shall provide a detailed cost estimate to repair the ship and how that estimate differs from the cost to repair other cruisers of the same class, including what issues would be corrected during planned maintenance activities. The conferees further direct that this independent assessment be certified by the Government Accountability Office (GAO). Both the independent review and the GAO certification should be submitted to the congressional defense committees no later than 180 days after the enactment of this Act.

force structure

The conferees agree to include a provision that prohibits the Air Force from using funds made available by this Act to retire, divest, realign, or transfer aircraft, or to disestablish or convert units, with an exception for actions proposed in the fiscal year 2013 budget request affecting C–5, C–17, and E–8 aircraft, and their associated units. The conferees do not agree to require the Air Force to submit cost-benefit analyses for the force structure proposals in the fiscal year 2013 budget request, as proposed by the House. However, the conferees expect that any future force structure proposals submitted by the Air Force will be transparently and comprehensively justified.

CONFERENCES

The conferees agree to not retain a reporting requirement as established in House Report 112–493 accompanying the Department of Defense Appropriations Act, 2013, which directs the Inspector General to provide reports to the congressional defense committees on conferences.

TREATY COMPLIANCE

The conferees believe compliance with nuclear arms control treaties is vital to our national security. The Secretary of Defense is directed to notify the congressional defense committees if any parties with which the United States has signed a nuclear arms control treaty are violating or acting inconsistently with the terms of that treaty.

BASE REALIGNMENT AND CLOSURE

The conferees do not support further rounds of Base Realignment and Closure (BRAC). As such, there are no funds included in this Act for new BRAC activities.

TITLE I—MILITARY PERSONNEL

The conference agreement provides $127,533,075,000 in Title I, Military Personnel, instead of $128,462,794,000 as proposed by the House and $127,502,463,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 9 here EH06MR13.001
PERMANENT CHANGE OF STATION EFFICIENCIES

The conferees recommend a total reduction of $146,793,000 in the Permanent Change of Station (PCS) budgets for program efficiencies. The conferees recognize that potential cost savings could be found in the PCS program. The conferees direct the Under Secretary of Defense (Personnel and Readiness) to conduct a review of the PCS program to identify potential efficiencies and to submit a report to the congressional defense committees not later than 180 days after the enactment of this Act on its findings. The conferees understand that each of the Services have increased time on station requirements but that the Services are not meeting these goals. As such, the report should include a review of the reasons that the Services have not met the increased time on station goals and a plan to achieve them, including the budget efficiencies that can be gained by increased tour lengths. Furthermore, the report should consider the potential impact of increased tour lengths on servicemembers’ job performance and on morale and quality of life for servicemembers and their families. It should also include how a change in policy would impact promotion and professional development opportunities, personnel readiness, and quality of life issues for servicemembers serving in hardship or overseas locations.

COMPOSITE PAY RATES

For a number of years, the Government Accountability Office (GAO) has used the Department of Defense’s composite pay rates in its military personnel end strength analysis to estimate the financial impact of work year variances on the Services’ military personnel budget requests. Although this information has been important to the congressional defense committees in their budget analyses, the conferees believe that GAO’s estimates would be more useful if the analysis was made available earlier in the budget process. Therefore, to improve the timeliness of the GAO analysis, the conferees direct that the Services’ composite budget pay rates should be reviewed, approved, and published not later than 30 days after the President’s budget request is submitted to the Congress.

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 15 here EH06MR13.004
MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 19 here EH06MR13.007
MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 23 here EH06MR13.010
The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 34 here EH06MR13.018
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 37 here EH06MR13.020
RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 40 here EH06MR13.022
NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 43 here EH06MR13.024
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 46 here EH06MR13.026
The conference agreement provides $173,494,558,000 in Title II, Operation and Maintenance, instead of $175,103,569,000 as proposed by the House and $170,785,490,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
REPROGRAMMING GUIDANCE FOR OPERATION AND MAINTENANCE ACCOUNTS

The conferees direct the Secretary of Defense to continue to follow the reprogramming guidelines specified in the conference report accompanying H.R. 3222, the Department of Defense Appropriations Act, 2008. Specifically, the dollar threshold for reprogramming funds shall remain at $15,000,000 for operation and maintenance accounts.

Also, the conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees annual DD Form 1418 reports for service and defense-wide accounts in titles I and II of this Act. Further, the conferees direct the Under Secretary of Defense (Comptroller) to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2013 appropriations accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services’ operation and maintenance accounts between 0-1 budget activities in excess of $15,000,000. In addition, the Secretary of Defense should follow prior approval reprogramming procedures for transfers in excess of $15,000,000 out of the following budget sub-activities:

Army:
- Maneuver units
- Modular support brigades
- Land forces operations support
- Force readiness operations support
- Land forces depot maintenance
- Base operations support
- Facilities Sustainment, Restoration, and Modernization

Navy:
- Aircraft depot maintenance
- Ship depot maintenance
- Modernization
- Facilities Sustainment, Restoration, and Modernization
- Marine Corps:
- Depot maintenance
- Facilities Sustainment, Restoration, and Modernization
- Air Force:
- Primary combat forces
- Combat enhancement forces
- Combat communications
- Modernization
- Air Force Reserve:
- Mobilization depot maintenance
- Training and recruiting depot maintenance
- Administration and service-wide depot maintenance
- Air National Guard:
- Depot maintenance
- Air National Guard:
- Depot maintenance
- Air Force Reserve:
- Mobilization depot maintenance
- Training and recruiting depot maintenance
- Administration and service-wide depot maintenance
- Air National Guard:
- Depot maintenance
- Facilities Sustainment, Restoration, and Modernization
- Special Operations Command National Capital Region

Finally, the Secretary of Defense should follow prior approval reprogramming procedures for transfers in excess of $15,000,000 into the following budget sub-activity:

- Operation and Maintenance, Army National Guard:
- Other personnel support, recruiting and advertising
- Army:
- Facilities Sustainment, Restoration, and Modernization

Military Information Support Operations

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert graphic folio 57 here EH06MR13.031
Insert graphic folio 58 here EH06MR13.032
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 61 here EH06MR13.034
The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio @ here EH06MR13.040
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 75 here EH96MR13.045
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 80 here EH96MR13.049
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 83 here EH06MR13-051
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio #6 here EH06MR13.053
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 89 here EH06MR13.055
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 93 here EH06MR13.057
The conference agreement on items addressed by either the House or the Senate is as follows:
UNITED STATES COURT OF APPEALS FOR THE ARMED SERVICES

The conference agreement provides $13,516,000 for the United States Court of Appeals for the Armed Services, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides $335,921,000 for Environmental Restoration, Army, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides $310,594,000 for Environmental Restoration, Navy, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $529,283,000 for Environmental Restoration, Air Force, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides $11,133,000 for Environmental Restoration, Defense-Wide, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conference agreement provides $287,543,000 for Environmental Restoration, Formerly Used Defense Sites, as proposed by the Senate, instead of $237,543,000 as proposed by the House.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $108,759,000 for Overseas Humanitarian, Disaster, and Civic Aid, as proposed by both the House and the Senate.

COOPERATIVE THREAT REDUCTION ACCOUNT

The conference agreement provides $519,111,000 for the Cooperative Threat Reduction Account, as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

The conference agreement provides $50,198,000 for the Department of Defense Acquisition Workforce Development Fund, as proposed by the House, instead of $720,000,000 as proposed by the Senate.

TITLE III—PROCUREMENT

The conference agreement provides $100,350,714,000 in Title III, Procurement, instead of $102,512,191,000 as proposed by the House and $97,635,496,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
SPECIAL INTEREST ITEMS

Items for which additional funds have been provided in the project level tables or in paragraphs using the phrase “only for” or “only to” are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in the explanatory statement.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Secretary of Defense to continue to follow the reprogramming guidance as specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (House Report 110-279). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement and $10,000,000 for research, development, test and evaluation.

Also, the conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles III and IV of this Act. Reports for titles III and IV shall comply with the guidance specified in the explanatory statement of the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogramming are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value and modified by any adjustments. Therefore, if the combined value of transfers into or out of a procurement (P-1) or research, development, test and evaluation (R-1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

DIMINISHING MANUFACTURING SOURCES COSTS IN MISSILE PROGRAMS

The conferees are concerned by the level of diminishing manufacturing sources (DMS) costs in Department of Defense tactical missile programs, particularly the Advanced Medium Range Air-to-Air Missile (AMRAAM). The conferees direct the Under Secretary of Defense (Acquisition, Technology, and Logistics), in coordination with the Service secretaries, to provide two reports to the congressional defense committees.

The first report shall provide information on the management of DMS costs within the AMRAAM program, to include an explanation of the cost drivers of AMRAAM DMS; an explanation of the AMRAAM program’s approach to DMS management and its conformity with departmental guidance and best practices; an economic analysis demonstrating the costs and benefits, including the break-even point, of the AMRAAM DMS program; and an analysis of the impact of foreign military sales on AMRAAM DMS costs and management. This report shall be submitted not later than 120 days after the enactment of this Act.

The second report shall provide information on the broader issue of DMS costs and management across all tactical missile procurement programs. This report shall provide an overview of current strategies for addressing DMS, including current and planned joint activities that address common DMS issues; an explanation of the key tactical missile DMS cost drivers; a comparison of DMS costs across all tactical missile programs; and an analysis of the impact of foreign military sales on DMS costs and management. This report shall be submitted not later than 180 days after the enactment of this Act.

In addition, the conferees direct the Secretaries of the Air Force and the Navy to report DMS costs separately from missile unit costs in future budget exhibits to enhance the congressional defense committees’ ability to oversee DMS costs.

JOINT STRIKE FIGHTER ADVANCE PROCUREMENT AND CONTRACT DELAYS

The conferees are concerned with the Joint Strike Fighter (JSF) contract award timelines and the negative impacts on the JSF subcontractor workforce. The combination of inconsistencies in JSF advance procurement for each variant and the contract award delays have a potential to put the industrial base at risk or jeopardize the aircraft delivery schedule. Therefore, the conferees direct the Secretary of Defense to provide a report which examines the authorities and use of JSF advance procurement, including the rationale for the cost differences in advance procurement among the aircraft variants and their associated impacts to the subcontractor workforce. Additionally, the report should examine the causes of procurement contract award delays and the planned corrective action to ensure that final award of the production contracts occurs within the year of appropriation. This report shall be submitted to the congressional defense committees not later than 120 days after the enactment of this Act.

USE OF UNMANNED AERIAL VEHICLES IN DOMESTIC AIRSPACE

The conferees are aware of concerns that have been raised regarding the use of unmanned aerial vehicles (UAV) and their sensors in domestic airspace. The conferees understand that the Air Force has policies and procedures in place governing the disposition of UAV collections that may inadvertently capture matters of concern to law enforcement agencies. These policies and procedures are designed to ensure constitutional protections and proper separation between the military and law enforcement. However, it is unclear if other Services and Defense agencies have similar policies and procedures in place, or if these policies and procedures need to be revised or standardized. Therefore, the conferees direct the Secretary of Defense to report to the congressional defense committees on the policies and procedures in place across the Services and Defense agencies governing the use of such collections and to identify any additional steps that need to be taken to ensure that such policies and procedures are adequate and consistent across the Department of Defense. This report shall be submitted not later than 90 days after the enactment of this Act.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 114 here EH06MR13.068
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 118 here EH06MR13.071
OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 122 here EH06MR13.074
CONTAINER HANDLING EQUIPMENT

The conferees do not agree to withhold funding made available to the Army in this Act or any other appropriations act for fiscal year 2013 or any previous fiscal year for the procurement of container handling equipment. However, the conference agreement retains a reporting requirement as established in House Report 112–493, which directs the Comptroller General to provide a report to the congressional defense committees.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 134 here EH06MR13.084
Insert offset folio 137 here EH06MR13.087
Insert offset folio 138 here EH06MR13.088
WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 140 here EH06MR13.089
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 144 here EH06MR13.092
The conference agreement on items addressed by either the House or the Senate is as follows:
VIRGINIA CLASS SUBMARINE

The conferees direct the Navy to include ten Virginia Class Submarines in the program’s next multi-year procurement opportunity.

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 152 here EH06MR13.097
Insert offset folio 153 here EH06MR13.098
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 163 here EH06MR13.107
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 169 here EH06MR13.112
The fiscal year 2013 budget request included no funds in Aircraft Procurement, Air Force for the B–52 Combat Network Communications Technology (CONECT) program despite a valid requirement from the Air Force Global Strike Command. Subsequent to the budget submission, the program achieved conditional entry into Milestone C Low Rate Initial Production (LRIP), with an LRIP contract award contingent upon funding of the B–52 CONECT program in the fiscal year 2014 Program Objective Memorandum. Accordingly, the conferees recommend the retention of prior year B–52 CONECT funding for an LRIP contract award subject to the conditions identified by the Milestone C Acquisition Decision Memorandum.

MISSILE PROCUREMENT, AIR FORCE
The conference agreement on items addressed by either the House or the Senate is as follows:
Insert graphic folio 177 EH06MR13.118
Insert graphic folio 178 EH06MR13.119
Insert graphic folio 179 EH06MR13.120
EVOLVED EXPENDABLE LAUNCH VEHICLE

The conference agreement provides $805,250,000 for Evolved Expendable Launch Vehicle (EELV) Launch Services and $654,606,000 for EELV Launch Capability. The funds are provided in separate procurement lines to increase the budget visibility of each program. The conferees direct that none of the recommended reduction to the EELV Launch Capabilities program be applied against mission assurance activities. Finally, the conferees direct the Secretary of the Air Force to provide clarification and definition of mission assurance activities that can be correlated to the EELV program and contract to the congressional defense committees not later than 90 days after the enactment of this Act.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert graphic folio 182 EH06MR13.121
Insert graphic folio 183 EH06MR13.122
OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 185 EH06MR13.123
Insert graphic folio 186 EH06MR13.124
The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 190 EH06R13.127
DEFENSE PRODUCTION ACT PURCHASES

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallium Nitride Radar and Electronic Warfare Monolithic Microwave Integrated Circuits</td>
<td>5,031</td>
<td>5,031</td>
</tr>
<tr>
<td>Cadmium Zinc Telluride Substrate Production</td>
<td>1,900</td>
<td>1,900</td>
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<tr>
<td>Read Out Integrated Circuit Foundry Improvement and Sustainability</td>
<td>1,200</td>
<td>1,200</td>
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<tr>
<td>Space Qualified Solar Cell Supply Chain</td>
<td>1,000</td>
<td>1,000</td>
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<tr>
<td>Traveling Wave Tube Amplifiers</td>
<td>1,220</td>
<td>1,220</td>
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<tr>
<td>Complementary Metal Oxide Semiconductor Focal Plan Arrays for Visible Sensors for Star Trackers</td>
<td>1,800</td>
<td>1,800</td>
</tr>
<tr>
<td>Advanced Projects</td>
<td>1,280</td>
<td>1,280</td>
</tr>
<tr>
<td>Production Base Investment Assessments and Activities</td>
<td>5,658</td>
<td>0</td>
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<tr>
<td>Program reduction</td>
<td>-5,658</td>
<td></td>
</tr>
<tr>
<td>Advanced Drop-in Biofuel Production</td>
<td>70,000</td>
<td>60,000</td>
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<tr>
<td>Ahead of need</td>
<td>-10,000</td>
<td></td>
</tr>
<tr>
<td>Program Increase</td>
<td></td>
<td>150,000</td>
</tr>
<tr>
<td>Total, Defense Production Act</td>
<td>89,189</td>
<td>223,531</td>
</tr>
</tbody>
</table>

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides $69,928,477,000 in Title IV, Research, Development, Test and Evaluation, instead of $69,984,145,000 as proposed by the House and $69,091,078,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase “only for” or “only to” are congressional special interest items for the purpose of the Base for Re-programming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in the explanatory statement.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (House Report 110–279). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement and $10,000,000 for research, development, test and evaluation.

Also, the conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees with the congressional special interest items are established elsewhere in this statement.

DEPARTMENT OF DEFENSE AND SERVICE CYBER ACTIVITIES

The conferees understand that the Department is revising the budget justification materials to be provided with the fiscal year 2014 budget submission that are in support of cyber activities. The conferees support the Department’s efforts to provide increased detail on this important national security issue and will continue to work with the Department to ensure there is adequate oversight on cyber activities.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 202 here EH06MR13.134
Insert offset folio 206 here EH06MR13.138
March 6, 2013

CONGRESSIONAL RECORD — HOUSE

Insert offset folio 207 here EH06MR13.139
Insert offset folio 208 here EH06MR13.140
Insert offset folio 210 here EH06MR13.142
ACTIVE DENIAL TECHNOLOGY

The fiscal year 2013 budget request included $35,218,000 in Research, Development, Test and Evaluation, Army, program element 0602624A, “Weapons and Munitions Technology”. The conferees are aware that multiple programs and projects are funded in this program element, including non-lethal technologies. The conferees recognize the benefits to units in the field of developing non-lethal technologies, including counter-personnel and directed energy technologies. The conference agreement provides an additional $15,000,000, as proposed by the House, to support Army research and development efforts in both lethal and non-lethal technologies.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

March 6, 2013

H1183

CONGRESSIONAL RECORD — HOUSE
Insert offset folio 218 here EH06MR13.148
Insert offset folio 221 here EH06MR13.151
Insert offset folio 224 here EH06MR13.154
The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 235 here EH6MR13.164
SPACE MODERNIZATION INITIATIVES

The conference agreement provides an additional $18,000,000 for the Space Based Infraredd System (SBIRS) and $25,000,000 for the Advanced Extremely High Frequency (AEHF) Satellite Modernization Initiative (SMI) efforts and reiterates the direction as detailed in Senate Report 112–196 for the Secretary of the Air Force to provide the congressional defense committees a report detailing how the additional SMI funds will be used not less than 30 days prior to the obligation of such funds.

The conferees support the evolution of current space systems but are concerned that the Department of Defense and the Air Force have yet to define the architectural and system specific goals being pursued with these funds. The conferees direct the Secretary of the Air Force, in coordination with the Under Secretary of Defense (Acquisition, Technology, and Logistics), to provide to the congressional defense committees, not later than 90 days after the enactment of this Act, a report describing the overall SMI strategy and goals, a specific accounting of the studies and technologies to be pursued, the current and follow-on costs for those efforts, schedules for delivery of such efforts, and a roadmap of how these efforts correlate or support the future acquisition plans for SBIRS, AEHF, and Global Positioning System satellite and ground segments.

PROMOTING ENERGY SECURITY

The conferees do not include a provision as proposed by the House regarding the Energy Independence and Security Act. However, the conferees provide $20,000,000 in Research, Development, Test and Evaluation, Air Force only for research that will improve emissions of coal to liquid fuel to enable this technology to be a competitive alternative energy resource to meet the goals established in the Department of Defense's Operational Energy Strategy and its Implementation Plan. The conferees direct the Secretary of the Air Force, in consultation with the Assistant Secretary of Defense for Operational Energy Plans and Programs, to inform the congressional defense committees 30 days prior to any obligation or expenditure of these funds.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:
Insert offset folio 244 here EH06MR13.170
Insert offset folio 246 here EH06MR13.172
Insert offset folio 247 here EH06MR13.173
Insert offset folio 251 here EH06MR13.177
Insert offset folio 252 here EH06MR13.178
Insert offset folio 253 here EH06MR13.179
The conference agreement on items addressed by either the House or the Senate is as follows:

### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>R–1</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. OPERATIONAL TEST AND EVALUATION</td>
<td>72,501</td>
<td>91,501</td>
</tr>
<tr>
<td>National cyber range shortfall</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Cyber testing shortfall</td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td>2. LIVE FIRE TESTING</td>
<td>49,201</td>
<td>49,201</td>
</tr>
<tr>
<td>3. OPERATIONAL TEST ACTIVITIES AND ANALYSIS</td>
<td>63,566</td>
<td>83,066</td>
</tr>
<tr>
<td>Restore unjustified reductions</td>
<td></td>
<td>19,500</td>
</tr>
<tr>
<td>TOTAL, OPERATIONAL TEST &amp; EVALUATION, DEFENSE</td>
<td>185,268</td>
<td>223,768</td>
</tr>
</tbody>
</table>
The conference agreement provides $2,214,024,000 in Title V, Revolving and Management Funds as proposed by the Senate, instead of $2,080,820,000 as proposed by the House. The conference agreement on items addressed by either the House or the Senate is as follows:
DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,516,184,000 for the Defense Working Capital Funds, as proposed by both the House and the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $697,840,000 for the National Defense Sealift Fund as proposed by the Senate, instead of $564,636,000 as proposed by the House.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>Project Category</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRATEGIC SEALIFT ACQUISITION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Navy requested transfer of funds for AFSB 1 only</td>
<td>77,386</td>
<td>172,590</td>
</tr>
<tr>
<td>Fully fund AFSB 1 modification only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLP #3 outfitting and post delivery ahead of need</td>
<td>38,000</td>
<td>140,500</td>
</tr>
<tr>
<td>DoD MOBILIZATION ASSETS</td>
<td>184,616</td>
<td>184,616</td>
</tr>
<tr>
<td>SEALIFT RESEARCH AND DEVELOPMENT</td>
<td>42,811</td>
<td>37,311</td>
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<tr>
<td>Transfer of funds for AFSB 1 only</td>
<td></td>
<td>5,500</td>
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<tr>
<td>READY RESERVE FORCE OPERATIONS AND MAINTENANCE</td>
<td>303,323</td>
<td>303,323</td>
</tr>
</tbody>
</table>

**TOTAL, NATIONAL DEFENSE SEALIFT FUND**                                                                 608,136 697,840
The conference agreement provides $35,526,674,000 in Title VI, Other Department of Defense Programs, instead of $35,905,118,000 as proposed by the House and $35,013,758,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement provides $32,715,304,000 for the Defense Health Program, instead of $32,902,234,000 as proposed by the House and $32,240,788,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement provides $15,000,000 for a Peer-Reviewed Cancer Research Program that would research cancers not addressed in the breast, prostate, ovarian, and lung cancer research programs currently executed by the Department of Defense, and specifically by the U.S. Army Medical Research and Materiel Command.

The funds provided are directed to be used to conduct research in the following areas: melanoma and other skin cancers, pediatric brain tumors, genetic cancer research, pancreatic cancer, kidney cancer, blood cancer, colorectal cancer, mesothelioma, neuroblastoma, and listeria vaccine for cancer.

The funds provided under the Peer-Reviewed Cancer Research Program shall only be used for the purposes listed above. The conferees direct the Assistant Secretary of Defense (Health Affairs) to provide a report not later than 60 days after the enactment of this Act to the congressional defense committees on the status of the Peer-Reviewed Cancer Research Program. For each research area, the report should include the funding amount awarded, the progress of the research, and the relevance of the research to servicemembers and their families.

The conference agreement provides $50,000,000 for a Peer-Reviewed Medical Research Program. The conferees direct the Secretary of Defense, in conjunction with the Service Surgeons General, to select medical research projects of clear scientific merit and direct relevance to military health. Research areas considered under this funding are restricted to the following areas: chronic kidney disease, chronic migraines and post-traumatic headaches, composite tissue transplantation, dengue, DNA vaccine technology for postexposure prophylaxis, dystonia, epilepsy, food allergies, Fragile X syndrome, hantavirus, hereditary angioedema, inflammatory bowel disease, interstitial cystitis, leishmaniasis, lupus, malaria, nanomedicine for drug delivery science, pancreatitis, polycystic kidney disease, post-traumatic osteoarthritis, pulmonary hypertension, rheumatoid arthritis, scleroderma, and tinnitus. The conferees emphasize that the additional funding provided under the Peer-Reviewed Medical Research Program shall be devoted only to the purposes listed above.

The conference agreement includes a provision restricting the amount of funding that may be obligated to develop the integrated Department of Defense-Department of Veterans Affairs (DoD-VA) Integrated Electronic Health Record (iEHR) to 25 percent of the funding provided until the DoD-VA Interagency Program Office (IPO) provides the House and Senate Appropriations Committees a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, explanation of the cost and schedule of the iEHR development, to include milestones, as they impact both Departments, as well as information regarding the progress and future plans for this project.

As a result, the conferees direct the IPO to deliver to the congressional defense committees, the Senate and House Appropriations Committees, the House and Senate Appropriations Committees a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, explanation of the cost and schedule of the iEHR development, to include milestones, as they impact both Departments, as well as quarterly obligation reports. The conferees also direct the IPO to provide the House and Senate Appropriations Committees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies, and the Government Accountability Office (GAO) a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, explanation of the cost and schedule of the iEHR development, to include milestones, as they impact both Departments, as well as quarterly obligation reports. The conferees also direct the IPO to deliver to the congressional defense committees, the Senate and House Appropriations Committees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies, and the Government Accountability Office (GAO) a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, explanation of the cost and schedule of the iEHR development, to include milestones, as they impact both Departments, as well as quarterly obligation reports. The conferees also direct the IPO to deliver to the congressional defense committees, the Senate and House Appropriations Committees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies, and the Government Accountability Office (GAO) a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, explanation of the cost and schedule of the iEHR development, to include milestones, as they impact both Departments, as well as quarterly obligation reports.
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $1,159,263,000 for Drug Interdiction and Counter-Drug Activities, Defense, instead of $1,133,363,000 as proposed by the House and $1,138,263,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug interdiction</td>
<td>999,363</td>
<td>1,159,263</td>
</tr>
<tr>
<td>National Guard</td>
<td>130,000</td>
<td></td>
</tr>
<tr>
<td>Young Marines</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Program increase</td>
<td>25,900</td>
<td></td>
</tr>
</tbody>
</table>

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff and infrastructure</td>
<td>227,414</td>
<td>0</td>
</tr>
<tr>
<td>JIEDDO Staff and infrastructure</td>
<td></td>
<td>-227,414</td>
</tr>
</tbody>
</table>

The conference agreement does not recommend funding for the Joint Improvised Explosive Device Defeat Fund in the base budget. The conferees address the funding requirements of the Joint Improvised Explosive Device Defeat Organization in title IX, Overseas Contingency Operations.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $350,321,000 for the Office of the Inspector General as proposed by the House, instead of $332,921,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and maintenance</td>
<td>272,821</td>
<td>347,621</td>
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<tr>
<td>Program increase</td>
<td>74,800</td>
<td>1,700</td>
</tr>
<tr>
<td>Procurement</td>
<td>1,000</td>
<td>2,700</td>
</tr>
<tr>
<td>Program increase</td>
<td>1,700</td>
<td></td>
</tr>
</tbody>
</table>

TITLE VII—RELATED AGENCIES

The conference agreement provides $1,048,421,000 in Title VII, Related Agencies, instead of $1,025,476,000 as proposed by the House and $1,056,346,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
NoREC 2007 Appropriations:

Shipbuilding and Conversion, Navy: $96,400,000
DDG-51 Destroyer ...... $96,400,000
DDG-51 Destroyer advance procurement ...... 2,500,000
CVN refueling overhauls ................. 14,100,000

2011 Appropriations:

Procurement, Ammunition, Army: 40mm ammunition ...... 14,862,000

Other Procurement, Army: Defense enterprise wideband SATCOM system ...... 10,900,000
Tractor Desk .......... 6,900,000
Sense through the wall ........................................ 1,845,000
Long range advanced scout surveillance system .......... 17,200,000
BCT network .......... 36,000,000
Handheld standoff mine detection system ...... 11,500,000
Mounted soldier system ........................................ 2,763,000
Training logistics management .......... 21,000,000
Airborne Procurement, Navy: P-8A ............................................ 30,100,000
EA-18G advance procurement .......... 5,960,000
Special support equipment .......... 7,800,000
Shipbuilding and Conversion, Navy: DDG-51 Destroyer ...... 215,300,000
Weapons Procurement, Navy: Tomahawk contract savings .......... 22,000,000
Aircraft Procurement, Air Force: Light mobility aircraft 65,300,000
C-130 AMP ............................................. 28,100,000
Other Procurement, Air Force: GCSS-AF FOS (ECSS) ........... 9,500,000
2012 Appropriations:

Operation and Maintenance, Defense-Wide Office of Economic Adjustment grant to Guam 21,000,000
Aircraft Procurement, Army: Utility P-3 aircraft .. 800,000
MQ-1 payload—UAS ........................................ 31,600,000
Global air traffic management .......... 15,000,000
Other Procurement, Army: Warfighter information network—tactical ..... 80,000,000
Tractor Desk .......... 2,200,000
Gunshot detection system .......... 1,000,000
Handheld standoff mine detection system .......... 34,000,000
Mounted soldier system ........................................ 5,000,000
Training logistics management .......... 26,608,000
Knight family ........................................ 31,400,000
Aircraft Procurement, Navy: F-18 series OSIP 14-03 ILS ........ 10,000,000
H-33 series IMSDs installation kits ........ 4,400,000
F-16E/F advanced procurement .......... 4,640,000
Shipbuilding and Conversion, Navy: Littoral combat ship over-target contingency ........ 28,800,000
DDG-51 Destroyer ...... 83,000,000
Weapons Procurement, Navy: Tomahawk contract savings .......... 18,000,000
AMRAAM contract savings .................. 6,915,000
ASW targets .......... 10,000,000
AIM-9X sidewinder .......... 1,502,000
Procurement of Ammunition, Navy and Marine Corps:
Demolition munitions, all types .......... 16,300,000
Procurement, Marine Corps:
LAV PIP .................. 86,555,000
Follow on to SMAW 37,300,000
Air operations C2 systems .......... 8,700,000

Aircraft Procurement, Air Force:
Common vertical lift support platform .......... 52,800,000
Light attack armed reconnaissance .......... 115,049,000
RQ-4 advance procurement ........ 71,500,000
C-17 modifications .......... 37,750,000
C-130 AMP ............... 117,200,000

Missile Procurement, Air Force:
AMRAAM contract savings .......... 42,624,000
AIM-9X sidewinder .......... 3,274,000
Classified programs .......... 7,000,000
Other Procurement, Air Force:
GCSS-AF FOS (ECSS) ........... 55,800,000
Procurement, Defense-Wide:
MDA-APY-2-2 ............... 16,000,000

Research, Development, Test and Evaluation, Army:
Joint air-to-ground missile .......... 33,000,000
Enhanced medium altitude reconnaissance surveillance system .......... 8,000,000
Research, Development, Test and Evaluation, Navy:
Medium range maritime UAS .......... 12,000,000
Joint air-to-ground missile .......... 105,000,000
Littoral combat ship .......... 15,800,000
Unmanned carrier launched airborne surveillance and strike system .......... 9,000,000
Joint strike fighter—EMD Navy .......... 100,000,000
Depot maintenance (non-IF) .......... 5,000,000
Research, Development, Test and Evaluation, Air Force:
JSPOC modernization system .......... 10,000,000
Classified programs .......... 80,000,000
EW development (MALD-J II) .......... 7,630,000
Common vertical lift support platform .......... 5,365,000
Light attack armed reconnaissance .......... 11,021,000
AWACS .................. 10,000,000
B-2 squadrons .......... 10,526,000
Specialized undergraduate pilot training .......... 12,000,000
Minimum essential emergency communications network .......... 2,918,000
The conference agreement retains a provision proposed by the Senate regarding the Global Security Contingency Fund. The House bill contained no such provision.

The conference agreement retains a provision proposed by the House which provides a...
grant to the Fisher House Foundation, Inc. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate related to funding for the Israeli Cooperative Defensive programs. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate regarding combating commander operational and administrative control of various forces. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate regarding the use of funds to initiate new start programs without prior written notification. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate regarding the classified annex. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate regarding the Office of the Director of National Intelligence and transfer authorities for the Office of the Director of National Intelligence. The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which establishes a baseline-level of programming and transfer authorities for the Office of the Director of National Intelligence. The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which allows for the transfer of funding for government-wide information sharing activities. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which establishes prior approval reprogramming and transfer procedures for National Intelligence Programs. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which directs the Department of Defense to continue to report contingency operations costs for Operation New Dawn and Operation Enduring Freedom, or any other named operation in the U.S. Central Command area of responsibility. The Senate bill contained a similar provision but did not include a reference to any other named operation.

The conference agreement retains a provision proposed by the House which prohibits the Office of the Director of National Intelligence from employing more Senior Executive Service employees than are specified in the classified annex. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House to provide grants through the Office of Economic Adjustment to assist the civilian population of Guam. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House to create the Ship Modernization, Operations and Sustainment Fund. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding parking spaces provided by the BRAC 133 project. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding reporting requirements for civilian personnel end strength by appropriation account. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to separate the National Intelligence Program from the Department of Defense. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides general transfer authority of $2,000,000,000 for funds made available for the intelligence community. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to support the National Defense Authorization Act for Fiscal Year 2005. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides for funding to construct, renovate, repair, or expand elementary and secondary public schools on military installations. The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the House which prohibits the transfer of detainees from Naval Station Guantanamo Bay, Cuba to foreign countries. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to support the Provisions Act of 2000. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the transfer of funding from being used to enter into a non-competitive contract for UH-60 Leak Proof Drip Pan. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funding from being used in contravention of section 4106 of title 48, U.S.C., regarding the transfer of funds between different appropriation accounts in this title.

EXTREMIST ORGANIZATIONS

The conferees are aware that certain governments and organizations have policies and practices counter to the best interests of the United States. The conferees reiterate that the conferees have not included any funds within the United States. The conferees are aware that certain governments and organizations have policies and practices counter to the best interests of the United States. The conferees are aware that certain governments and organizations have policies and practices counter to the best interests of the United States.

MILITARY PERSONNEL

The conference agreement provides $13,416,821,000 for Military Personnel, instead of $13,934,683,000 as proposed by the House and $14,419,421,000 as proposed by the Senate.
Insert offset folio 289 here EH06MR13.187
Insert offset folio 290 here EH06MR13.188
Insert offset folio 293 here EH06MR13.191
The conference agreement provides $62,131,012,000 for Operation and Maintenance, instead of $62,866,554,000 as proposed by the House and $65,479,099,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement provides $8,979,438,000 for Procurement, instead of $7,906,039,000 as proposed by the House and $10,126,300,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 301 here EH06MR13.197
Insert offset folio 307 here EH06MR13.203
The conference agreement provides $1,500,000,000 for National Guard and Reserve Equipment. Of that amount, $460,000,000 is for the Army National Guard, $460,000,000 for the Air National Guard, $240,000,000 for the Army Reserve, $90,000,000 for the Navy Reserve, $120,000,000 for the Marine Corps Reserve, and $130,000,000 for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year.

This funding will allow the Guard and reserve components to procure high priority equipment that may be used by these components for both their combat missions and their missions in support of state governors. The conferees direct that the National Guard and Reserve Equipment account shall be executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: A-10 Situation Awareness Upgrade; ARC 210 Radios for ANG F-16s; Arctic Search and Rescue Packages; Armory-Based Individual and Unstabilized Gunnery Trainers; Batteries and Battery Support Equipment; Bradley Modifications; C-130 Crash-Resistant Loadmaster Seats; C-130 Secure Line-of-Sight (SLOS) Beyond Line-of-Sight (BLOS) Capability; C-130KC-135 Real Time Information in Cockpit (RTIC) Data Link; CH-47 Door Gun Mounts; Combat Mobility Equipment; Combined Arms Virtual Trainers; F-15 AESA Radars; Field Engineering, Logistics, Maintenance, and Security Equipment; Force Protection Equipment; Generation 4 Advanced Targeting Pods; Green Laser Interdiction Systems; handhold laser trackers; HC-130 Forward Area Refueling Point; Helicopter Firefighting Equipment; Helmet-Mounted Cueing System; HMMWV Recapitalization; In-Flight Propeller Balancing System; Internal and External Auxiliary Fuel Tanks for Apaches and Chinooks; Joint Threat Emitters; Large Aircraft Infrared Countermeasures [LAIRCM]; Light Utility Helicopters; Modular Airborne Firefighting System II; Modular Small Arms Training Systems; MRAP Vehicle Virtual Trainers; Naval Construction Force Tactical Vehicles and Support Equipment; Reactive Skin Decontamination Lotion; SATCOM Ground Stations; Support Wide Area Network [SWAN] D V3/MRT Packages; Targeting Pod Upgrades; Thermal Imaging Systems; Ultra-Light Tactical Vehicles; Unit Maintenance Aerial Recovery Kits; Virtual Convoy Operations Trainers; and Virtual Door Gunner Trainers.

RESERVE COMPONENT SIMULATION TRAINING SYSTEMS

The use of simulation training systems has yielded a military that is better trained, more capable, and more confident as compared to units that do not have access to modern simulation training devices. Simulation training is a cost-effective means by which reserve units can improve tactical decision-making skills and ultimately save lives. It is anticipated that a portion of the funding in the National Guard and Reserve Equipment account will be used to procure a variety of simulation training systems. To ensure the most efficient and effective training programs, these systems should be a combination of both government owned and operated simulators, as well as simulation support from a dedicated commercial activity capable of providing frequent hardware and software updates.

The conferees are concerned that the active Services are not providing the necessary research, development, test and evaluation funding for federal and domestic operations requirements as they relate to equipping the reserve components, especially equipment unique to the reserve component or legacy systems with limited active component investment. The conferees understand that the funding required is minimal, and therefore direct the Services, particularly the Air Force, to provide the necessary research, development, test and evaluation funds to ensure that modernizing equipment or legacy systems unique to the reserve component be given the required design, integration, test, and software efforts needed prior to procurement.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides $247,716,000 for Research, Development, Test and Evaluation, instead of $235,516,000 as proposed by the House and $260,413,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:
The conference agreement provides $243,600,000 for the Defense Working Capital Funds, instead of $293,600,000 as proposed by the House and $1,467,864,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>[In thousands of dollars]</th>
<th>Budget request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army WORKING CAPITAL FUND, ARMY</td>
<td>42,600</td>
<td>42,600</td>
</tr>
<tr>
<td>TOTAL WORKING CAPITAL FUND, ARMY</td>
<td>42,600</td>
<td>42,600</td>
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<tr>
<td>AF WORKING CAPITAL FUND, AIR FORCE</td>
<td>230,400</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL WORKING CAPITAL FUND, AIR FORCE</td>
<td>240,600</td>
<td>10,000</td>
</tr>
<tr>
<td>DLA DEFENSE LOGISTICS AGENCY</td>
<td>220,364</td>
<td>191,000</td>
</tr>
<tr>
<td>TOTAL DEFENSE WORKING CAPITAL FUND</td>
<td>503,364</td>
<td>243,600</td>
</tr>
</tbody>
</table>

The conference agreement provides $1,622,614,000 for the Joint Improvised Explosive Device Defeat Fund, all in title IX, instead of $1,514,114,000, all in title IX, as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>[In thousands of dollars]</th>
<th>Budget request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ATTACK THE NETWORK</td>
<td>950,500</td>
<td>907,500</td>
</tr>
<tr>
<td>Biometric ID—transfer to OMA line 412</td>
<td>-22,000</td>
<td>-22,000</td>
</tr>
<tr>
<td>Falcone—transfer to OMA line 135</td>
<td>-48,000</td>
<td>-48,000</td>
</tr>
<tr>
<td>Sand Dragon—excess prior year carryover funding</td>
<td>-40,000</td>
<td>-40,000</td>
</tr>
<tr>
<td>PEDS—excess prior year carryover funding</td>
<td>-33,000</td>
<td>-33,000</td>
</tr>
<tr>
<td>2 DEFEND THE DEVICE</td>
<td>400,000</td>
<td>393,300</td>
</tr>
<tr>
<td>ALARM excess to need</td>
<td>-4,700</td>
<td>-4,700</td>
</tr>
<tr>
<td>3 TRAIN THE FORCE</td>
<td>149,500</td>
<td>119,000</td>
</tr>
<tr>
<td>EIR emulation and trainer ahead of need</td>
<td>-28,500</td>
<td>-28,500</td>
</tr>
<tr>
<td>Distributed virtual simulators—defined unit cost increase</td>
<td>-2,000</td>
<td>-2,000</td>
</tr>
<tr>
<td>4 START AND INFRASTRUCTURE</td>
<td>178,000</td>
<td>302,814</td>
</tr>
<tr>
<td>Staff and infrastructure—transfer from Joint IED Defeat Fund</td>
<td>-100,000</td>
<td>-100,000</td>
</tr>
<tr>
<td>TOTAL JOINT IED DEFECT FUND</td>
<td>1,675,400</td>
<td>1,622,614</td>
</tr>
</tbody>
</table>

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $993,898,000 for the Defense Health Program as proposed by the Senate, instead of $1,003,898,000 as proposed by the House. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

<table>
<thead>
<tr>
<th>[In thousands of dollars]</th>
<th>Budget request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATION AND MAINTENANCE</td>
<td>993,898</td>
<td>993,898</td>
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<tr>
<td>IN-HOUSE CARE</td>
<td>483,336</td>
<td>483,336</td>
</tr>
<tr>
<td>PRIVATE SECTOR CARE</td>
<td>376,982</td>
<td>376,982</td>
</tr>
<tr>
<td>CONCURRENT HEALTH SUP</td>
<td>111,675</td>
<td>111,675</td>
</tr>
<tr>
<td>MANAGEMENT ACTIVITIES</td>
<td>660</td>
<td>660</td>
</tr>
<tr>
<td>EDUCATION AND TRAINING</td>
<td>15,370</td>
<td>15,370</td>
</tr>
<tr>
<td>BASE OPERATIONS AND COMMUNICATIONS</td>
<td>1,112</td>
<td>1,112</td>
</tr>
</tbody>
</table>

DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $469,025,000 for Drug Interdiction and Counter-Drug Activities, Defense, as proposed by both the House and the Senate.
Insert offset folio 321 here EH06MR13.207
Insert offset folio 322 here EH06MR13.208
Insert offset folio 324 here EH06MR13.210
Insert offset folio 328 here EH06MR13.214
Insert offset folio 331 here EH06MR13.217
Insert offset folio 334 here EH06MR13.220
DIVISION B—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Matters Addressed by Only One Committee—
The language and allocations set forth in House Report 112-491 and Senate Report 112-168 should be compiled with unless specifically addressed to the contrary in the conference report. This explanatory statement. Report language included by the House, which is not changed by the report of the Senate or this explanatory statement, and Senate report language, which is not changed by this explanatory statement, is approved by the Committees on Appropriations of both Houses of Congress. This explanatory statement, while repeating some the report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both Houses of Congress. House or Senate reporting requirements with deadlines prior to, or within 15 days after, enactment of the conference agreement shall be submitted no later than 60 days after enactment of this Act. All other reporting deadlines not changed by this explanatory statement are to be met.

Department of Defense and Veterans Affairs Affairs Joint and Medical Facilities Construction.—Having the Department of Defense (DOD) and Department of Veterans Affairs (VA) medical facility construction accounts in the same bill allows the Committee to view coordinated efforts and efficiencies within the two systems. An overarching concern of the conferees has been to facilitate the seamless transition from active duty service member to veteran, including the transition from DOD to VA medical facilities. The conferees are aware of multiple instances in which DOD and the VA have failed to coordinate medical facility construction efforts, in particular, where the VA is currently collocated with an existing DOD medical facility, but hospital replacement facilities are planned and budgeted in the military construction budget without coordination or consultation with the VA. Better coordination between Departments on construction activities, where appropriate, has the potential to save money by reducing duplicative construction costs, and provides a unique opportunity to upgrade and improve the efficient use of medical equipment once the hospitals or outpatient clinics become operational. The conferees therefore direct the TRICARE Management Activity and the Veterans Health Administration to report to the congressional defense committees no later than 180 days after enactment of this Act on coordination construction coordination between the two agencies. The report should include a comprehensive fiscal year report by the TRICARE Management Activity and the Veterans Health Administration’s future energy conservation, green building, and the Energy Conservation Investment Program (ECIP).—The conference agreement provides $10,000,000 in dedicated funding for ECIP. Additionally, the conference agreement provides $10,000,000 in dedicated funding for ECIP planning and design. The conferences strongly support the efforts to promote energy conservation, green building initiatives, energy security, and investment

in renewable energy resources, and commend the leadership of the Department and the services for making energy efficiency a key component of construction on military installations. The conferences urge the Department to use the dedicated planning and design funds to invest in innovative renewable energy projects as well as projects that enhance energy security at military installations. The conferences also encourage the Department to request dedicated planning and design funding for ECIP in future budget submissions.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD
The conference agreement appropriates $613,799,000 for Military Construction, Army National Guard. Within this amount, the agreement provides $36,622,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD
The conference agreement appropriates $42,386,000 for Military Construction, Air National Guard. Within this amount, the agreement provides $4,000,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, ARMY RESERVE
The conference agreement appropriates $305,846,000 for Military Construction, Army Reserve. Within this amount, the agreement provides $15,961,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, NAVY RESERVE
The conference agreement appropriates $10,751,000 for Military Construction, Navy Reserve. Within this amount, the agreement provides $2,118,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE RESERVE
The conference agreement appropriates $10,797,000 for Military Construction, Air Force Reserve. Within this amount, the agreement provides $2,879,000 for study, planning, design, architect and engineer services.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM
The conference agreement appropriates $254,163,000 for the North Atlantic Treaty Organization Security Investment Program.

FAMILY HOUSING CONSTRUCTION, ARMY
The conference agreement appropriates $4,841,000 for Family Housing Construction, Army.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY
The conference agreement appropriates $530,051,000 for Family Housing Operation and Maintenance.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS
The conference agreement appropriates $102,182,000 for Family Housing Construction, Navy and Marine Corps.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS
The conference agreement appropriates $378,230,000 for Family Housing Operation and Maintenance.

FAMILY HOUSING CONSTRUCTION, AIR FORCE
The conference agreement appropriates $83,824,000 for Family Housing Construction, Air Force.
The conference agreement appropriates $497,829,000 for Family Housing Operation and Maintenance, Air Force.

The conference agreement appropriates $52,238,000 for Family Housing Operation and Maintenance, Defense-Wide.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement appropriates $1,786,000 for the Department of Defense Family Housing Improvement Fund.

DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE FUND

The conference agreement provides no appropriation for the Department of Defense Homeowners Assistance Fund in fiscal year 2013, the same as the budget request.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates $151,000,000 for Chemical Demilitarization Construction, Defense-Wide.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

The conference agreement appropriates $499,396,000 for the Department of Defense Base Closure Account 1990. This amount is $50,000,000 above the budget request to accelerate the pace of environmental cleanup at closed or realigned military installations. Based on requirements identified by the services, the conferees direct that, of the additional funding provided, $30,000,000 be made available for the Army and $30,000,000 for the Navy. These funds are to be allocated at the discretion of the services to meet the most pressing unfunded environmental cleanup requirements at closed or realigned bases.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The conference agreement appropriates $126,697,000 for the Department of Defense Base Closure Account 2005. The conferees note that significant bid savings have been realized in the BRAC 2005 construction program, primarily as a result of the favorable bid climate over the past several years, and believe that these savings should be used to offset current BRAC 2005 requirements. The conferees therefore are rescinding $132,513,000 from previous BRAC 2005 appropriations (Sec. 131 of Administrative Provisions) to offset the fiscal 2013 request.

BRAC 133.—In an effort to mitigate traffic congestion surrounding the Mark Center site, the conference agreement includes a limitation on the number of parking spaces the Department may utilize at the Mark Center to no more than 2,500, with the exception of disabled parking spaces. The limitation may be waived in part, but not in whole, if the Secretary of Defense certifies that none of the intersections surrounding the Mark Center reach failing levels of service “e” or “f,” as defined by the Transportation Research Board Highway Capacity Manual, during a consecutive 90 day period.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 101 limiting the use of funds under a cost-plus-a-fixed-fee contract.

The conference agreement includes section 102 allowing the use of construction funds in this title for hire of passenger motor vehicles.

The conference agreement includes section 103 allowing the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads.

The conference agreement includes section 104 prohibiting construction of new bases in the United States without a specific appropriation.

The conference agreement includes section 105 limiting the use of funds for the purchase of land or land easements that exceed 100 percent of the appraised value.

The conference agreement includes section 106 prohibiting the use of funds, except funds appropriated in this title for that purpose, for family housing.

The conference agreement includes section 107 limiting the use of minor construction funds to transfer or relocate activities.

The conference agreement includes section 108 prohibiting the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

The conference agreement includes section 109 prohibiting the use of construction or family housing funds to pay real property taxes in any foreign nation.

The conference agreement includes section 110 prohibiting the use of funds to initiate a new installation overseas without prior notification.

The conference agreement includes section 111 establishing a preference for American architectural and engineering services for overseas projects.

The conference agreement includes section 112 establishing a preference for American contractors in certain locations.

The conference agreement includes section 113 requiring congressional notification of military exercises when construction costs exceed $100,000.

The conference agreement includes section 114 allowing funds appropriated in prior years for new projects authorized during the current session of Congress.

The conference agreement includes section 115 limiting obligations in the last two months of the fiscal year.

The conference agreement includes section 116 allowing the use of expired or lapsed funds to pay the cost of supervision for any project being completed with lapsed funds.

The conference agreement includes section 117 allowing military construction funds to be available for five years.

The conference agreement includes section 118 allowing the transfer of proceeds between BRAC accounts.

The conference agreement includes section 119 allowing the transfer of expired funds from Family Housing Construction accounts to the Family Housing Improvement Fund.

The conference agreement includes section 120 allowing transfers to the Homeowners Assistance Fund.

The conference agreement includes section 121 limiting the source of operation and maintenance funds for flag and general officer quarters and allowing for notification by electronic medium.

The conference agreement includes section 122 extending the availability of funds in the Ford Island Improvement Account.

The conference agreement includes section 123 placing limitations on the expenditure of funds for projects impacted by BRAC 2005.

The conference agreement includes section 124 allowing the transfer of expired funds to the Foreign Currency Fluctuations, Construction, Defense account.

The conferences agreement includes section 125 which limits parking at BRAC 133 to 2,500 spaces and includes other requirements and exemptions.

The conference agreement includes section 126 prohibiting the use of funds for any action related to the expansion of Pinon Canyon Maneuver Site, Colorado.

The conference agreement includes section 127 allowing for the reprogramming of construction funds among projects and activities subject to certain criteria.

The conference agreement includes section 128 restricting the obligation of funds for relocating an Army unit that performs a testing mission.

The conference agreement includes section 129 prohibiting the obligation or expenditure of funds provided to the Department of Defense for military construction for projects at Arlington National Cemetery.

The conference agreement includes section 130 rescinding unobligated balances from the contingency construction account in Military Construction, Defense-Wide.

The conference agreement includes section 131 rescinding unobligated balances from the Department of Defense Base Closure Account 2005.

The conference agreement includes section 132 allowing the transfer of funds to the Secretary of the Navy from the Defense Family Housing Improvement Fund.
Insert offset folio 349 here EH06MR13.225
Insert offset folio 357 here EH06MR13.233
Insert offset folio 358 here EH06MR13.234
TITLE II
DEPARTMENT OF VETERANS AFFAIRS
BUDGET Justification requirements.—The conferees believe that the Department of Veterans Affairs (VA) must strengthen its presentation of budget justification materials in several areas. The conferees concur in the direction of the Senate regarding the budget detail for components of the Veterans Health Administration, such as the VA central office, Veterans Integrated Service Network (VISN) staff offices and centralized field support offices. The conferees request VA to provide more detailed information about the Board of Veterans Appeals staffing and claims workloads, and require the data requested in the House report pertaining to full-time equivalent (FTE) funding with administrative line items. The conferees also require a breakout of all reimbursable or cost sharing arrangements exceeding $5,000 in value that are in place for cross-cutting efforts across the Department.

VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS
(Including Transfer of Funds)
The conference agreement appropriates $86,599,856,000 for Compensation and Pensions. The agreement reflects new estimates provided in the Administration’s mid-session review. Of the amount provided, not more than $9,204,000 is to be transferred to General Operating Expenses. The conference agreement appropriates $6,123,700,000 for the VA’s indefinite authority to pay medical costs for veterans receiving benefits under the Veterans Readjustment Benefit Act of 1974. The conferees understand that for fiscal year 2013, the VA is obligated to pay all medical costs that have been incurred for veterans who are covered under the Act.

VETERANS HOUSING BENEFIT PROGRAM FUND
The conference agreement appropriates $1,089,000 for administrative expenses of the Native American Veteran Housing Loan Program Account.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT
The conference agreement appropriates $1,089,000 for administrative expenses of the Native American Veteran Housing Loan Program Account.

VETERANS HEALTH ADMINISTRATION
AREAS OF INTEREST
Advance appropriation budgeting.—The conferees believe the Department must provide more detailed explanations within its budget justification so the Committees on Appropriations of the House of Representatives and the Senate ("Committees") will have an accurate and complete view of how its advance funding requests were determined. The conferees believe the Committees will require more detailed explanations for advance funding described in the Senate report.

Reprogramming by medical care initiatives.— The conference agreement includes an administrative provision requiring the Department to submit a reprogramming request whenever funding allocated in the fiscal year 2013 appropriation act for medical care initiatives differs by more than $25,000,000 from the allocation shown in the 2013 congressional budget justification. Due to the nature of medical care initiatives, the Department submits its budget request almost seven full fiscal quarters before the funding becomes available for obligation. The conferees understand that medical care funding is dynamic in nature and that this length of time between budget submission and obligation creates a situation in which funding priorities and needs may change. However, the conferees believe this has limited the Committees’ ability to provide proper budget oversight of initiatives which are budgeted outside of the actuarial model. Therefore, the conferees expect the submission of reprogramming requests throughout the year identifying current year estimates whenever these may be required to make significant funding shifts within these initiatives. The term “medical care initiatives” in the bill language refers only to the initiatives, not legislative proposals, in the “Initiatives/Legislative Proposals” section of the VA Medical Care Obligations by Program Account display page of Volume 2 of the fiscal year 2013 budget justification. The bill language does not refer to special purpose funds allocated outside the Veterans Equitable Resource Allocation model. The Committees reserve the right to require reprogramming when funding is not obligated or required as identified only in the aggregate and not by specific project or location.

The conferees concur with the Senate direction regarding life cycle costs as it relates to the acquisition of batteries and directs that the reporting requirement contained in the Senate report be submitted no later than 180 days after enactment of this Act.

MEDICAL SERVICES
The conference agreement appropriates $41,557,000,000 in advance for fiscal year 2013 MEDICAL SUPPORT AND COMPLIANCE.

MEDICAL FACILITIES
The conference agreement appropriates $4,816,814,000 for administrative expenses of the National Cemetery Administration.

NATIONAL CEMETARY ADMINISTRATION

The conference agreement appropriates $250,000,000 for the Office of Rural Health.
areas whereas the NCA’s effort toward rural areas appears to be a lower priority. As a result, the conference agreement includes bill language requiring the Secretary to provide a report to the Committees within 180 days of enactment of this Act outlining a strategy to address the shortcomings identified in House Report 112–491, with proposed policies and a timeline. Furthermore, the conference agreement requires the Government Accountability Office to conduct a review of this strategy and submit it to the Committees and the Inspector General of the Veterans Administration (VA) no later than 180 days after the Committees receive the strategy. The conference agreement includes bill language directing the Secretary to issue guidelines on committal services at VA national cemeteries to ensure that veterans’ families may hold committal services with any religious or secular content they desire and include the participation of an honored guard and veterans service organizations, subject to VA security, safety, and law enforcement regulations. The agreement also extends VA’s authority to engage or control the content of speeches at events at national cemeteries, subject to VA authorities provided in section 2413 of title 38, United States Code.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $424,777,000 for General Administration. Of the amount provided, $200,675,000 is in lieu of the funding that may be obligated to develop the integrated electronic health record (iEHR) and is available until September 30, 2014. The conference agreement includes bill language for obligation until September 30, 2014. The conference agreement makes available not to exceed $1,033,000,000 for construction projects and the period of availability shall extend through the end of fiscal year 2014. The lengthy wait time and persistent backlog of claims at the Veterans Benefits Administration (VBA) has imposed an unacceptable burden on disabled veterans. The conference understands that the Department has set 2015 as the date by which it intends to achieve reduction in the backlog of claims and to increase the accuracy rate at all regional offices to 98 percent. The conferences concur with the direction and reporting requirements in the Senate report and direct the Department to submit one report 90 days after enactment of this Act containing: (1) the metrics developed for evaluating the backlogs of claims and the average adjudication time by utilizing external vendors in specific areas of collecting claims materials; (2) the wait times, average and backlog of disability claims decisions at all 57 regional offices; (3) how the quality-review teams and the quality initiatives at each regional office are reviewed, the number of times, and rates at each location; and (4) the specific metrics the VBA uses in determining personnel performance.

The conferences direct the Department to provide quarterly reports on the implementation of the Veterans Benefits Management System (VBMS) and for the implementation to increase the efficiency and timeliness of VBA claims processing, with the quarterly reports including the number and location of the regional offices that have adopted the paperless claims processing system and the rollout of the individual improved business processes.

Recent findings by the Department of Veterans Affairs Office of Inspector General that the Oakland, Los Angeles and San Diego, California VA Regional Offices have high claims processing wait times compared to other regional offices across the Nation is unacceptable. For example, the Inspector General found that 80 percent of claims at the Los Angeles office were unnecessarily delayed and that in one case a claim in Oakland had been pending for 8 years. The conferences concur with the direction in the Senate report and direct the Department to submit a report to the Committees no later than 90 days after enactment of this Act detailing how the Inspector General’s recommendations are being implemented at these Regional Offices. The report shall also include an explanation about why the Los Angeles office is currently operating at a rate “far slower than expected,” which means that staff is not held accountable to VA standards.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $3,257,444,000 for Information Technology (IT) Systems. The agreement identifies sepa-
strategy aimed at replacing this system. Therefore the conferees direct the Department to submit a report to the Committees detailing the timeline, cost estimate, and implementation strategy for replacing the scheduling system.

The conferees include bill language making funds available for IT development, modernization, and enhancement for the projects and in the amounts specified in the following table:

Insert graphic folio 370 EH06MR13.235
The conferees intend this table to serve as the Department’s approved list of development projects; any requested changes are subject to reprogramming guidelines. The agreement directs the Department to submit an expenditure plan to the Committees within 30 days of enactment of this Act. This plan should be in the same format as the table above.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $115,000,000 for the Office of Inspector General. Of the amount provided, $6,000,000 is available for obligation until September 30, 2014. The conferees intend the increase above the budget request to be used for review of VA spending on conferences, the NCA rural cemetery strategy, and VA hospital and field review activities.

CONSTRUCTION, MAJOR PROJECTS

The conference agreement appropriates $3,822,470,000 for Construction, Major Projects. The agreement makes this funding available for five years, except that $30,000,000 is made available until expended.

The conferees are pleased that the Department has already begun to transition major construction to a five-year funding cycle. During this implementation period, the conferees also expect availability to be a small amount of the funding while the VA reaches the requirement that project design be 35 percent complete prior to requesting construction funding. The extended availability will protect VA investment if unanticipated circumstances mandate expenditures beyond the five-year project window.

The conference agreement funds the following items as requested in the budget submission:

<table>
<thead>
<tr>
<th>Project</th>
<th>Conference agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans Health Admin (VHA)</td>
<td>$10,300,000</td>
</tr>
<tr>
<td>Palo Alto, CA polytrauma/neurological care building</td>
<td>$177,422,000</td>
</tr>
<tr>
<td>Seattle, WA mental health building</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>Dallas, TX spinal cord injury building</td>
<td>$33,500,000</td>
</tr>
<tr>
<td>Advance Planning Fund</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Administration</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Major Construction Staff</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Claim Pay</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Facility Security</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Hazardous Waste</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Judgment Fund</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Total VHA</td>
<td>$517,422,000</td>
</tr>
<tr>
<td>National Cemetery Admin (NCA)</td>
<td>$2,647,000</td>
</tr>
<tr>
<td>NCA Land Acquisition Fund</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Total NCA</td>
<td>$9,647,000</td>
</tr>
<tr>
<td>General Admin staff offices advance planning fund</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Major construction total</td>
<td>$5,470,000</td>
</tr>
</tbody>
</table>

The conferees direct the VA to submit a master plan at the time of the budget submission describing each major construction project included in the budget. The plan should include the projected timeline for completion of each component of each of the projects and the annual and total cost of each project. The format of the DOD Form 1931 is a good model for the VA to use to describe clearly and completely the expected obligations for each project.

CONSTRUCTION, MINOR PROJECTS

The conference agreement appropriates $607,530,000 for Construction, Minor Projects. The agreement makes this funding available for five years. The agreement provides $506,392,000 for the Veterans Health Administration; $38,100,000 for the National Cemetery Administration; $13,405,000 for the General Administration—Staff Offices; and $29,690,000 for the Community Benefits Administration.

The conferees direct the Department to provide to the Committees an expenditure plan for this account within 30 days of enactment of this Act.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement appropriates $85,000,000 for Grants for Construction of State Extended Care Facilities.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

The conference agreement appropriates $46,000,000 for Grants for Construction of Veterans Cemeteries.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 201 allowing for transfers among the three medical accounts.

The conference agreement includes section 202 allowing for the transfer of funds among the three medical accounts.

The conference agreement includes section 203 allowing salaries and expenses funds to be used for related authorized purposes.

The conference agreement includes section 204 restricting the use of funds for the acquisition of land.

The conference agreement includes section 205 prohibiting the use of any funds for the Medical Services account only for entitled beneficiaries unless reimbursement is made to the Department.

The conference agreement includes section 206 allowing for the use of mandatory appropriations accounts for payment of prior year accrued obligations for those accounts.

The conference agreement includes section 207 allowing the use of appropriations available in this title to pay prior year obligations.

The conference agreement includes section 208 allowing the Department to use surplus earnings from the National Service Life Insurance Fund, the Veterans’ Special Life Insurance Fund, and the United States Government Life Insurance Fund to administer these programs.

The conference agreement includes section 209 allowing the Department to cover the administrative expenses of enhanced-use leases and provides authority to obligate these reimbursements in the year in which the proceeds are received.

The conference agreement includes section 210 limiting the amount of reimbursement the Office of Revolution Management and the Office of Employment Discrimination Complaint Adjudication can charge other offices of the Department for services provided.

The conference agreement includes section 211 limiting the use of funds for any lease with an estimated annual rental cost of more than $1,000,000 unless approved by the Committees.

The conference agreement includes section 212 requiring the Department to collect third-party payer information for persons treated for a non-service connected disability.

The conference agreement includes section 213 allowing for the use of enhanced-use lease revenue to the Veterans Health Administration, Major Projects and Construction, Minor Projects.

The conference agreement includes section 214 outlining authorized uses for medical services fund.

The conference agreement includes section 215 allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services account.

The conference agreement includes section 216 which allows Alaskan veterans to use medical facilities of the Indian Health Service or the Department of the Interior.

The conference agreement includes section 217 providing for the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended.

The conference agreement includes section 218 prohibiting the use of funds for any policy prohibiting the use of outreach or marketing to enroll new veterans.

The conference agreement includes section 219 requiring the Secretary to submit quarterly reports on the financial status of the Veterans Health Administration.

The conference agreement includes section 220 requiring the Department to notify and receive approval from the Committees of any proposed transfer of funding to or from the Information Technology account.

The conference agreement includes section 221 prohibiting any funds to be used to contract out any function performed by more than ten employees without a fair competition process.

The conference agreement includes section 222 limiting the obligation of non-recurring maintenance funds during the last two months of the fiscal year.

The conference agreement includes section 223 providing up to $247,356,000 for transfer to the joint DOD-VA Medical Facility Demonstration Fund.

The conference agreement includes section 224 which authorizes transfers from the Medical Care Collections Fund to the joint DOD-VA Demonstration Fund.

The conference agreement includes section 225 which transfers at least $15,000,000 from VA medical accounts to the DOD-VA health care sharing incentive fund.

The conference agreement includes section 226 which rescinds fiscal year 2013 medical account funding and re-appropriates it to be available for two years. The provision rescinds and re-appropriates $1,500,000,000 for Medical Services, $200,000,000 for Medical Support and Compliance, and $250,000,000 for Medical Facilities.

The conference agreement includes section 227 requiring that the Department notify the Committees of bid savings in major construction projects of at least $5,000,000 or 5 percent within 14 days of a contract identifying the programmed amount.

The conference agreement includes section 228 which prohibits the VA from increasing the scope of work for a major construction project unless reimbursement is made for the Scope specified in the original budget request.

The conference agreement includes section 229 requiring the Secretary to report to the Committees each quarter about any single national outreach and awareness marketing campaign exceeding $2,000,000.

The conference agreement includes section 230 requiring the VA to submit a reprogramming request whenever funding allocated in the expenditure plan for a Medical Care initiative differs by more than $25,000,000 from the allocation shown in the 2013 congressional budget justification.

The conference agreement includes section 231 prohibiting the use of funds in the Act for any contract using procedures that do not give to small business concerns owned and operated by veteran-owners with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veteran.

The conference agreement includes section 232 clarifying that Medical Services funds appropriated in advance for fiscal year 2013 may be used for new programs and services for those affected by drinking water contamination at Camp Lejeune, NC.
The conference agreement includes $62,929,000 for Salaries and Expenses of the American Battle Monuments Commission. The conference agreement provides an additional $4,529,000 above the budget request to be used for additional engineering and maintenance projects and interpretive activities.

The conference agreement includes such sums as necessary, estimated at $15,200,000, for the Foreign Currency Fluctuations Account.

The conference agreement includes $32,481,000 for Salaries and Expenses.

The budget request proposed to fund Arlington National Cemetery through three accounts: $25,000,000 to be provided through Operation and Maintenance, Army, $103,000,000 to be provided through Military Construction, Army, and $45,800,000 to be provided through Cemeterial Expenses, Army for a total of $173,800,000. The conferees provide $65,800,000 for Salaries and Expenses, which includes $20,000,000 to address the maintenance and infrastructure repairs proposed for funding through Operation and Maintenance, Army. Language is included to make $27,000,000 available until September 30, 2015 instead of providing all funds as available until expended. The conference agreement also establishes a new construction account.

The conference agreement provides $163,000,000 for construction and language has been included to make these funds available until September 30, 2017. The budget request proposed to fund these projects through Military Construction, Army.

The conference agreement includes $67,590,000 for the Armed Forces Retirement Home, to be derived from the Trust Fund.

The conference agreement includes section 301 permitting funds to be provided to Arlington County, Virginia for the relocation of a water main located on the Arlington National Cemetery property.

The conference agreement includes title IV, Overseas Contingency Operations. Title IV provides funding for certain military construction projects in the Central Command and Africa Command Areas of Responsibility that were requested in title I, Military Construction, in the budget submission. The conferees agree that the projects transferred to title IV are necessary to support the global war on terrorism and should be designated as overseas contingency operations functions.

The conference agreement appropriates $150,768,000 for Military Construction, Navy and Marine Corps.

The conference agreement includes section 401 rescinding unobligated balances from section 2005 in title X, of Public Law 112–10 and division H in title IV, of Public Law 112–74 in the specific amount of $150,768,000.
The conference agreement includes section 501 prohibiting the obligation of funds in this Act beyond the current fiscal year unless expressly so provided.

The conference agreement includes section 502 prohibiting the use of the funds in this Act for programs, projects or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The conference agreement includes section 503 prohibiting the use of funds in this Act to support or defeat legislation pending before Congress.

The conference agreement includes section 504 encouraging all Departments to expand their use of “E-Commerce”.

The conference agreement includes section 505 specifying the Congressional Committees that are to receive all reports and notifications.

The conference agreement includes section 506 prohibiting the transfer of funds to any instrumentality of the United States Government without authority from an appropriations Act.

The conference agreement includes section 507 prohibiting the use of funds for a project or program named for a serving Member, Delegate, or Resident Commissioner of the United States House of Representatives.

The conference agreement includes section 508 requiring all reports submitted to the Congress to be posted on official websites of the submitting agency.

The conference agreement includes section 509 prohibiting the use of funds to establish or maintain a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, except for law enforcement investigation, prosecution, or adjudication activities.

The conference agreement includes section 510 prohibiting funds in this Act for the Association of Community Organizations for Reform Now or its subsidiaries or successors.

The conference agreement includes section 511 prohibiting the use of funds in this Act for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at the United States Naval Station, Guantanamo Bay, Cuba.

The conference agreement includes section 512 prohibiting the use of funds for the payment of first-class travel by an employee of the executive branch.

The conference agreement includes section 513 prohibiting the use of funds in this Act for any contract where the contractor has not complied with E-Verify requirements.

The conference agreement includes section 514 prohibiting the use of funds in this Act for any contract, memorandum of understanding, or cooperative agreement with any corporation convicted of a felony criminal violation within the preceding 24 months, where the awarding agency is aware of the conviction.

The conference agreement includes section 515 prohibiting the use of funds in this Act for any contract, memorandum of understanding, or cooperative agreement with any corporation with an unpaid tax liability.

The conference agreement includes section 516 requiring pay raises to be absorbed within the levels appropriated in the Act.

The conference agreement includes section 517 prohibiting the use of funds to pay for attendance of more than 50 employees at any single conference outside the United States.
Insert offset folio 388 here EH06MR13.242
Insert offset folio 390 here EH06MR13.244
DIVISION C—FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

This Act provides continuing appropriations for the remainder of fiscal year 2013 for programs and activities in the following bills:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013


Energy and Water Development and Related Agencies Appropriations Act, 2013

Financial Services and General Government Appropriations Act, 2013

Department of Homeland Security Appropriations Act, 2013

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2013

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2013

Legislative Branch Appropriations Act, 2013

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2013

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013

DIVISION D—ACROSS-THE-BOARD REDUCTIONS

Section 3001 provides across-the-board reductions to ensure that aggregate spending in the Act complies with the discretionary spending limits in the Budget Control Act of 2011.

Section 3002 indicates that a sequestration under section 251(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is applied to the amounts provided in the Act.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise to present H.R. 933, the Department of Defense and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, and Full-Year Continuing Resolution for fiscal year 2013.

Our Nation faces a three-pronged threat to its finances as we deal with sequestration, the debt ceiling, and, most immediately, a looming government shutdown.

This bill takes the risk of a government shutdown off the table, funding the government for the remainder of the fiscal year while helping maintain our national security and providing our troops and veterans with consistent, adequate funding.

First and foremost, this bill contains fiscal year 2013 appropriations bills for the Departments of Defense and Veterans Affairs. These bills were drafted by Chairman BILL YOUNG, chairman of the Defense Appropriations Subcommittee, and very handily done.

These bills passed the House with broad bipartisan support last year. They have been negotiated on a bipartisan basis between the Senate and the House, and agreed to by the Senate Committee. They do not add a cent to the overall top line of the CR.

I want to take a minute here to thank BILL YOUNG and his subcommittee, who did such a tremendous job of balancing the interests of the country but with the overriding concern for the security of the country as they drafted—and passed on a bipartisan basis—the Defense appropriations bill.

Last week, I had the opportunity to ask the Joint Chiefs of our military if they supported this CR package, and the answer was an absolute, wholehearted yes. Each one of them was asked if it was critical, and each one of the Joint Chiefs said this was critical to the defense of the country.

This legislation addresses severe funding constraints that would put our national security in dire straits. Military hospitals would not be built, veterans would not be cared for adequately, and our readiness would be seriously jeopardized.

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This legislation addresses severe funding constraints that would put our national security in dire straits. Military hospitals would not be built, veterans would not be cared for adequately, and our readiness would be seriously jeopardized. With sequestration now in effect, the Pentagon some leeway to do its best with what it has.

The bill provides $518 billion, the same top line level as last year. Within this top line, accounts have to be reprogrammed to prioritize investment in critical programs, such as operation and maintenance, while finding savings in lower priority areas.

The legislation right-sizes spending that would otherwise have been wasteful. For instance, we eliminate funding for unneeded spare parts and save funding from outdated programs and projects related to operations in Iraq no longer needed.

In addition, the bill provides $71.9 billion in discretionary funding for military construction and veterans affairs to ensure that our veterans get the care they have earned and that the quality of life in our military is continued. This includes an increase of about $2 billion in veterans funding, offset by savings in military construction.

The remaining of the bill, Mr. Speaker, funds the rest of the Federal Government until the end of the fiscal year on September 30. Nearly all funding will remain consistent with current levels, except for the very few exceptions that are needed to prevent catastrophic changes to government programs or to ensure good government. These include provisions allowing critical law enforcement entities to maintain current staffing levels, additional funding for embassy security and critical weather satellite launches, and an extension of the current pay freeze for Federal employees—including Members of Congress.

We’ve also required every single Federal agency to provide spending plans to Congress to ensure transparency and strong oversight of taxpayer dollars.

Nearly all of the funding in this bill is subject to the President’s sequestration, bringing the grand total for discretionary spending to around $884 billion. The bill is designed to help with the damage caused by continually putting off the regular annual appropriations bills, but it does not solve the many serious problems caused by these automatic spending cuts in sequestration.

A full-year continuing resolution is not the way this Congress should be appropriating taxpayer dollars. Each year, we should assess the needs and excesses of our government and make decisions accordingly in the regular appropriations process. We must return to regular order, pass individual spending bills on time, and fulfill our constitutional duty to fund government programs wisely and effectively. To do all of this, we have to have a partner in the Senate, and we’ve not had that now for these several years. Our hope springs eternal that the Senate will help us get back to regular order.

In light of the circumstances we face, we must make a good-faith effort to provide limited but fair and adequate funding for vital government programs and services through the end of the fiscal year. It is up to Congress to make these decisions to set the course for our financial future.

We must act now to make the most of this difficult situation, and that starts with avoiding a government shutdown on March 27 and providing for our national defense and veterans. The CR package is the right thing to do, the right time to do it, and it is the fair thing.

And so I urge, Mr. Speaker, my colleagues to show our Nation that we can get our work done by supporting this bill.

I reserve the balance of my time.

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

Before us is a defense bill and a Military Construction-Veterans Affairs bill adjusting the FY 2012 funding levels to meet FY 2013 needs.

It is unacceptable that Federal agencies and departments covered by the 10 remaining bills would be forced to operate under full-year continuing resolutions based on planned spending levels enacted 15 to 18 months ago. Congress’ failure to do our jobs and pass responsible annual spending bills limits our ability to respond to changing circumstances, implement other laws enacted by Congress, and eliminate funding that is no longer necessary.

Specifically, this bill will delay implementation of the Affordable Care Act scheduled to begin enrolling participants in October. Without IT infrastructure to process enrollments and payments, verify eligibility, and establish call centers, health insurance for millions of Americans would be further delayed. Last year’s levels will hamper enforcement of Dodd-Frank protections against improper practices in the financial sector.

The bill underfunds Head Start, child care, essential for many working parents who would otherwise have to quit their jobs.
The bill fails to strike outdated language allowing HUD to use public housing agency reserves to fund operations or provide a requested increase to make up for the shortfall resulting in the lowest per-unit operating subsidy since 2007, despite rising housing costs.

The bill we consider today even denies increases for health care fraud and abuse control and Social Security disability reviews and SSA eligibility determinations, both of which return more money to the Treasury than they cost.

And the continuing resolution excludes loan guarantees for Jordan, necessary to help an important ally stabilize its economy.

The effects, my colleagues, of these outdated plans and spending levels in the continuing resolution are compounded by Congress’ failure to replace sequestration with a balanced, responsible, long-term debt reduction plan. The Congressional Budget Office estimates that sequestration would cut economic growth in 2013 by a third. That’s jobs. That’s people’s lives.

Last year, our fragile economy struggled to create a total of 2.2 million jobs. This year, projections are that we’ll lose about 750,000 jobs, more than a third of all the jobs created last year.

Now, I want to make it very clear, my colleagues, this bill reaffirms sequestration. The terrible impact of those indiscriminate cuts will begin to take effect. This summer, we can expect significant flight delays and long lines at airports due to furloughs of air traffic controllers and a hiring freeze and reduced hours for transportation security officers.

Yesterday, the Labor-HHS Subcommittee, heard testimony from the directors of the National Institutes of Health and CDC on the detrimental effects these irresponsible cuts will have, including reduced funding for medical research, fewer child vaccinations, and reduced protections against epidemics. Just try and explain what my good friend, the gentlelady from New York, said: Sequestration is bad, and it’s worse in CR, which will feel worse than the effects of the sequestration. We will shut down the whole government. Nobody wants to see that, and I commend her for what she said.

This is not perfect, but it keeps a lot of people working. I think it is very, very important that we get it done.

As chairman of the House Armed Services Committee, I am happy to see us voting to include a full-year defense appropriations bill as well as a full-year Military Construction-Veterans Affairs bill. This is very important. At least we have one committee that can do regular order still, and I think that is very important.

Enacting a full-year DOD appropriations bill is the first step toward reconstituting our national security, which has been whipsawed by the dual combination of the sequester and the CR that we are operating under. None of our currently serving service Chiefs—the Chief of the Army, Navy, Air Force, and Marines, including the Chief of Naval Operations—has said that if he had the funds, he would come forward and increase the military appropriation for fiscal year 2013 and next year. That is crucial to national security.

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I would encourage all of our colleagues to support this bill. It’s not perfect, but it takes us a long step toward helping to secure our national security.

I thank the chairman and the chairman of the subcommittee for their great work.

Mrs. LOWEY. Mr. MCKEON, I just want to emphasize again that General Odierno in the recent appropriations hearing on the Defense bill testified that sequestration would be a disaster for the military. And it’s unfortunate that we are not ridding ourselves of the prospect of the disaster that the sequester bill will result in.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to other Members in the body to return to regular order: a straight CR stovepipes funding in certain accounts.

General Odierno, Chief of Staff of the Army, is looking at having to curtail 37,000 hours of flying for helicopter pilots at Fort Rucker in Alabama, where all of our helicopter pilots go to be trained. That’s about 500 to 750 pilots who will not be trained. Units preparing now to deploy to Afghanistan are not receiving the same training as those who are there now fighting. That is shameful. We need to restore those accounts. This puts those who are preparing to go at greater risk once they arrive in theater. Under a full year DOD appropriation, which we’ll be voting on today, General Odierno will have the authority to restore a lot of those flying hours and critical training for those who are preparing to deploy.

I have just another little example. Admiral Greenert, Chief of Naval Operations, has said that if he had the funds, he would come forward with the appropriations bill that we’re voting on, he would have the flexibility to move money between accounts, and the Navy would be able to keep a carrier strike group and an amphibious ready group in the Middle East and the Pacific through next year. That is crucial to our national security.

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I would encourage all of our colleagues to support this bill. It’s not perfect, but it takes us a long step toward helping to secure our national security.

I thank the chairman and the chairman of the subcommittee for their great work.

Mrs. LOWEY. Mr. MCKEON, I just want to emphasize again that General Odierno in the recent appropriations hearing on the Defense bill testified that sequestration would be a disaster for the military. And it’s unfortunate that we are not ridding ourselves of the prospect of the disaster that the sequester bill will result in.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to other Members in the body to return to regular order: a straight CR stovepipes funding in certain accounts.

General Odierno, Chief of Staff of the Army, is looking at having to curtail 37,000 hours of flying for helicopter pilots at Fort Rucker in Alabama, where all of our helicopter pilots go to be trained. That’s about 500 to 750 pilots who will not be trained. Units preparing now to deploy to Afghanistan are not receiving the same training as those who are there now fighting. That is shameful. We need to restore those accounts. This puts those who are preparing to go at greater risk once they arrive in theater. Under a full year DOD appropriation, which we’ll be voting on today, General Odierno will have the authority to restore a lot of those flying hours and critical training for those who are preparing to deploy.

I have just another little example. Admiral Greenert, Chief of Naval Operations, has said that if he had the funds, he would come forward with the appropriations bill that we’re voting on, he would have the flexibility to move money between accounts, and the Navy would be able to keep a carrier strike group and an amphibious ready group in the Middle East and the Pacific through next year. That is crucial to our national security.

I would encourage all of our colleagues to support this bill. It’s not perfect, but it takes us a long step toward helping to secure our national security.

I thank the chairman and the chairman of the subcommittee for their great work.

Mrs. LOWEY. Mr. MCKEON, I just want to emphasize again that General Odierno in the recent appropriations hearing on the Defense bill testified that sequestration would be a disaster for the military. And it’s unfortunate that we are not ridding ourselves of the prospect of the disaster that the sequester bill will result in.
It could be very harmful to our economy and to our national security, and it could place the most vulnerable in America at great risk.

We should not allow, my colleagues, our government to shut down, but we cannot do business this way, lunging from one manufactured crisis to the next.

When we make agreements, we ought to stick to them. And the agreement was, the gentleman has tried to put forward—and I want to congratulate him for that—that we would spend on the discretionary side of the budget at about $1.43 billion. That is not what this bill does. It breaks the deal.

Nothing expected sequester to take place, and we ought to obviate it because it will hurt defense, our national security and our domestic security.

Mr. Speaker, we made an agreement. We ought to keep it. That’s not what we have in this CR.

While the Defense funding in this package is something I would like to vote for and the procedures incorporated would like to vote for—let me say as an aside, that is regular order. When we usually pass CRs, we do it for House-passed bill levels, Senate-passed bill levels, conference levels, but not at a level 1 year ago.

The reason they’ve amended Defense, Veterans and MILCON is because it is irrational, and they recognize its irrationality as it relates to national security. You ought to recognize the irrationality for the rest of the budget.

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

Mrs. LOWEY. I yield an additional 1 minute to the gentleman.

Mr. HOYER. While the Defense funding in this package is something, as I said, I would like to vote for—it would continue support for critical national security programs important in my district, but more important than that, important to our country—if Congress continues to face every manner of manufactured crisis every other month, we cannot govern rationally, and it will hurt our people, our economy, and our security. When dysfunction rusts the wheels of Congress, it is the American people who suffer. And our defense community and the industries that support it will also suffer greatly from the uncertainty that results.

I voted for appropriations bills that keep the promise we made to the American people. And I voted for appropriations bills that enable us to limit the negative impact of sequestration on our defense community and the most vulnerable in our society, but this CR does not do that. This vote will do nothing to lessen the effects of the sequester, whose impact is already being felt in my district and throughout our nation. And that is what compels me to vote “no” on this CR.

I represent 62,000 Federal employees. I do not want this government to shut down. That is a more irrational policy than the President’s budget.

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

Mrs. LOWEY. I yield an additional 30 seconds to the gentleman.

Mr. HOYER. The honoring of our agreement demands that we vote “no” on this and pass a CR that obviates the sequester.

I urge my colleagues to defeat this CR so we can send a message to those who control this Chamber that we have a responsibility to our country and to our people to adopt a balanced fiscal plan to reduce our debt and deficit and invest in the growth of the economy.

That is not what this bill does. I urge its defeat.

Mr. ROGERS of Kentucky. Mr. Speaker, I now yield 4 minutes to the gentleman from Texas (Mr. CULBERSON), the chairman of the Military Construction and Veterans Affairs Subcommittee on appropriations.

Mr. CULBERSON. Mr. Speaker, why are House conservatives so determined to cut the budget and move towards a balanced budget?

Every 5 years, the Joint Chiefs of Staff get together and they do a strategic review of the threats facing this Nation. In the last review, they determined that the greatest threat facing our Nation was the national debt, that it would ultimately consume us and cause its collapse.

Just a few days ago, we celebrated Texas Independence Day. But for the debt the Republic of Texas accumulated, we would have continued as an independent country. That debt caused a collapse of the Republic of Texas. And House conservatives are deeply concerned that these debts and deficits will ultimately crush the United States of America just as it did the Republic of Texas.

How do we even begin to get our mind around it and understand it? Think in these terms: in your personal lives, you always pay your mortgage and your taxes first.

I deduct my mortgage and taxes out of my paycheck. We all do. You have to pay your mortgage and taxes first. America’s mortgage and taxes are Social Security, Medicare, Medicaid, interest on the national debt and veterans’ benefits. Those are things we must pay first. That’s our mortgage and taxes.

When we pay our mortgage and taxes first as a Nation, it consumes all of our income. All that’s left is about $185 billion. When we deduct Social Security, Medicare, Medicaid, interest on the national debt, veterans’ benefits, that’s it. All you’re left with is $385 billion, America, to run the government for the entire year. That will only run the Federal Government for about 10 days.

Indebted as we are, living on a credit card that will be paid for by our children and grandchildren, which is a devastating heritage to leave to our kids. This is why House conservatives are so determined to balance the budget. But we recognize how essential national security is. We recognize how vital it is that our men and women in uniform focus on their mission, focus on defending America around the world. We don’t want them to worry about whether or not they’ve got enough equipment, enough gas, enough ammo, that they’ve got the best facilities in the world, the best health care in the world.

That’s why Chairman ROGERS and Chairman YOUNG put together this bill. I’m proud to be a part of it for my piece, the Military Construction and Veterans Affairs portion, to make sure that men and women in uniform can focus on their mission and not look over their shoulder and worry for one moment that they have the full support of the Congress, the full support of the American people to do what they have to do to put their lives on the line to defend this great Nation.

This bill is essential because it funds the military at a level for fiscal year ’13, which is a sufficient increase that will allow them to absorb these automatic budget cuts—the sequester. That terminology is confusing to folks, but it is essentially an automatic spending cut across the board.

All of us conservatives want to see those cuts go into place, and we’d like to shift them away from the military and move them into other areas; but we’ve got a situation in which conservatives only control, basically, one half of one-third of the Federal Government. We are outnumbered. We feel a little bit like the Spartans at Thermopylae. We’re doing our best to go moving towards a balanced budget in a way that is prudent, that won’t raise taxes, that protects our military and the veterans and the essential needs of this Nation.

Chairman YOUNG has done a super job in putting together a Defense bill at this level of funding for the Defense Department. In fact, we determined yesterday from the Chief of Staff of the Army, General Odierno, that by passing this bill today, we will solve at least a third of the problems that the Army would face as a result of the automatic spending cuts. By funding at fiscal year ’13, when the cuts kick in, it’s a far softer blow to the military than it would be if we were stuck at ’12 levels. As well, the Chief of Naval Operations, Admiral Greene, said that the difference was night and day. By passing this bill today, it will cushion the blow on the Navy dramatically.

I turn forward to my colleagues from all over the country to continue to work to soften the blow on the military; but this bill is essential in order to make sure our men and women in uniform have everything they need to do their jobs to protect this country.

Mrs. LOWEY. I would just like to quickly remind my colleagues on both sides of the aisle that the Defense bill will be subject to the $48 billion as a result of the sequester, which General Odierno said will hollow out the force.

Mr. Speaker, I am very honored to yield 2 minutes to my colleague, the
gentleman from North Carolina, Mr. DAVID PRICE, a distinguished ranking member of the Appropriations Committee.

Mr. PRICE of North Carolina. Mr. Speaker, there is a blizzard of evidence against this continuing resolution; yet the Republican majority keeps syphoning ahead like an out-of-control snowplow.

Instead of avoiding sequestration with a balanced deficit reduction package, the CR will lock in these devastating cuts—impairing vital government functions, reducing the paychecks of thousands of American workers, and undermining our economic recovery. The CBO says it will cost three-quarters of a million jobs.

Earlier this week, Mr. Speaker, I heard a panel of economists speculate about what future historians some 20 or 30 years from now, will say about what we’re going through. They’re likely to be baffled: How could a great Nation do such damage to itself? How could political brinksmanship and rigid ideology go so far? In fact, that’s exactly what my constituents are already asking as they begin to pay the price for this House’s failure to do what we were elected to do.

Just yesterday, members of the Military Construction and Veterans’ Affairs Subcommittee heard testimony from senior officers of each service about the impact of sequestration on their operations. Their message was unambiguous: We can’t be fooled. We may be giving them one dose, but that’s not the real story. We’re also granting them another dose. The President has now signed into law a Defense authorization bill that is consistent with this appropriation bill. There is no other area of government that has done that. If you look at what already is in the law, passing an appropriation bill to implement it makes sense.

A third reason is that Defense took a disproportionate share of the cuts under sequestration. Defense is 18 percent of the Federal budget. It had to absorb 50 percent of the cuts. It took a disproportionate share, and therefore some relief from the constraints will be needed by the services to implement and make sense especially for Defense.

I’ll tell you a fourth reason to treat Defense differently than is done by this appropriation bill. There is no other area of government that has done that. So if you look at what already is in the law, passing an appropriation bill to implement it makes sense.

As the ranking member of the Financial Services and General Government Appropriations Subcommittee, I wanted to outline several areas of concern in this section of the bill. Several agencies under the jurisdiction of the subcommittee requested vital changes to the fiscal year 2013 budget to help them address pressing needs and to blunt the impact of the sequester. Unfortunately, all of these changes were rejected by the other side.

For instance, no additional money is provided to the Securities and Exchange Commission to continue the implementation of the Dodd-Frank legislation. We need a strong cop on the beat to prevent financial misbehavior, and this bill does not help in this regard.

Under this bill, no additional money is provided to the IRS to help them catch tax cheats or to help Americans with questions on their tax forms. Moreover, no additional money is provided to help the Federal Reserve administer new tax credits under the Affordable Care Act, which is something that will only lead to more confusion; and once again, Republicans are attempting to extend the Federal employee pay freeze for the rest of the year.

Mr. ROGERS has picked it up and included it in this CR.

A second reason is that the House and Senate have passed and the President has signed into law a Defense authorization bill that is consistent with this appropriation bill. There is no other area of government that has done that. If you look at what already is in the law, passing an appropriation bill to implement it makes sense.

Unfortunately, this CR is inadequate to the needs of our Federal Government and to the American people, and does not provide all agencies with the needed flexibility to best deal with the sequester. For that and other reasons, I urge opposition to this bill.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), who chairs the Transportation and Infrastructure Committee, for the purpose of a colloquy.

Mr. SHUSTER. Thank you, Chairman ROGERS, and I do want to engage in a quick colloquy on the Medium Extended Air Defense System, known as MEADS.

As you are aware, the fiscal year 2013 National Defense Authorization Act included a provision of law that prohibits funds from being obligated or expended on the MEADS program. There has been some confusion over the wording on the program in the Defense appropriations report before us. I would like to verify that it is your intent that the prohibition created in the NDAA is law and not changed or overridden by anything in this bill.

I yield to the chairman.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding and would confirm that the gentleman is correct. The prohibition in the NDAA is law, and not changed or overridden by anything in this bill.

As you are aware, this bill or report over-rides or changes that fact. The language in our report was conferenced last year when the outcome of MEADS
in the NDAA was not known. Chairman Young works closely with the Armed Services Committee, and it is not our intention to change or override any provision of that bill. The prohibition in the bill is the law.

Mr. SHUSTER. I thank the gentleman for making that clear.

Mrs. LOWEY. Mr. Speaker, I’m very pleased to yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the Energy and Water Subcommittee.

Ms. KAPTUR. I thank the gentleman.

The agency is plagued by dramatic cost increases on nearly every major task under its jurisdiction. Given the nature of a continuing resolution, the Congress is unable to meaningfully weigh in on important issues such as these. I do appreciate inclusion of support for the United States Enrichment Corporation.

In closing, while I am disappointed in the bill’s shortcomings, I am hopeful that collectively Congress can improve upon this bill as it moves to the other body.

Again, I commend our chairman, Mr. ROGERS, and Ranking Member NITA LOWEY of New York, such a phenomenal leader.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 1 minute, and I yield to the gentleman from California (Mr. ISSA) for the purpose of a colloquy.

Mr. ISSA. Mr. Chairman, it is my understanding that the Office of Management and Budget submitted a list of proposed anomalies for the pending continuing resolution. Is that correct, and can you tell me the date that the Office of Management and Budget transmitted that list?

Mr. ROGERS of Kentucky. The gentleman is correct. OMB did submit a list of proposed anomalies on February 18.

Mr. ISSA. Thank you, Mr. Chairman.

Can you also tell me if that proposed list of anomalies included any changes to the provisions in current law regarding what is commonly called 6-day delivery and requires a level of service by the Postal Service at the 1983 level?

Mr. ROGERS of Kentucky. OMB did not propose any change to the provisions in current law regarding 6-day delivery.

Mr. ISSA. Thank you, the gentleman.

Mrs. LOWEY. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the gentlewoman from Connecticut (Ms. DELAURIE), the distinguished ranking member of the Labor, Health, Human Services, Education Subcommittee.

Ms. DELAURIE. I rise in strong opposition to this continuing resolution. It makes permanent, deep, indiscriminate, and harmful across-the-board cuts—that will cost our country hundreds of thousands of jobs, and will hamstring our economic recovery. It will cost 750,000 jobs, according to the Congressional Budget Office and Federal Reserve Chairman Ben Bernanke.

If you vote ‘yes’: You vote for $400 million in cuts to Head Start—70,000 children will lose access.

You vote to slash $282 million from job training programs.

You vote to cut $731 million from Title I grants—that means 2,500 schools will be forced to stop providing this crucial aid to 1 million children;

You are voting to cut over $580 million from special education grants—that shifts the cost of 300,000 students with special needs to State and local education agencies.

You vote to cut $115 million from child care at a time when only one in six of the children eligible for child care assistance are receiving it—30,000 more kids will lose this aid;

You vote to starve implementation of the Affordable Care Act at a time when the health reforms we passed are being implemented;

You vote to cut funding for vaccinations and cancer screenings.

These cuts only add to the deep cuts that have already been made: $12 billion since 2002 have been made to labor, education, and health programs, in addition to which the Budget Control Act added another $9 billion, and this resolution will add $7 billion more in cuts to what are critical priorities for this Nation.

We cannot shortchange all of these fundamental priorities. It is time for this institution to exercise its moral responsibility. Use our budget as a vehicle for job creation and economic growth. I urge my colleagues to oppose this dangerous resolution.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Ms. ISSA), the chairman of the House Oversight and Government Reform Committee.

Mr. ISSA. Mr. Speaker, on February 6, the Postal Service announced a plan to move to a modified 6-day delivery schedule beginning in August. Under this plan, the Postal Service will continue high-quality delivery 6 days a week using its express and priority mail system. This will include packages and mail under that system, and will include vital medicine for our seniors. This change will enable the Postal Service to save $2 billion a year or more.

As the chairman of the authorizing committee, I want to clarify that the authorizing language is consistent with a 6-day delivery provision in the CR under this system announced by the Postmaster on February 6.

Specifically, this provision would not prohibit the Postal Service from implementing this plan of modified 6-day delivery service.

I want to confirm further that the President, himself, had previously called for 5-day delivery. The Postmaster maintains 5-day delivery, but using priority and express mail to do so. This is fiscally responsible and consistent with the administration not putting an anomaly into the CR.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. FARR), the distinguished ranking member of the Agriculture Subcommittee of Appropriations.
Mr. FARR. I thank the gentlewoman for yielding.

I’ve been in Congress 20 years, and on the Appropriations Committee not quite that long. And never in my life have I seen us in such disarray.

This institution has failed to lead the Nation. It’s failed to get its own act together. We can’t do this in a transparent, normal process by adopting bills. We’re operating on these emergency issues like continuing resolutions, sequestration was forced to operate under the fund- ing levels and restrictions placed on the Department of Defense’s school standard housing. The Air Force has made it a goal to have 81⁄4 minutes to the gentleman from Georgia (Mr. BISHOP), the distinguished ranking member of the MILCON Subcommittee of Appropriations.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, today this body is voting on two updated bills that reflect the needs of FY 2013 and 10 outdated plans with outdated spending levels that were enacted over a year ago.

Mr. Speaker, we need to complete the process on all the bills, not just two. Governing by continuing resolution is not governing.

Furthermore, the legislation before us today does nothing to address sequestration. The failure to address sequestration will be devastating on military construction. For example, the Army’s Barracks Modernization efforts will be delayed. For the Navy, sequestration will affect 10,000 Navy-owned and 3,000 leased homes by delaying housing construction and improvements.

The Air Force has made it a goal to eliminate inadequate housing for unaccompanied airmen by 2017, and sequestration will delay that goal and cause airmen to continue to live in substandard housing.

The most troubling aspect of sequestration to me is the impact it will have on the Department of Defense’s school construction requirements indicated that 149 out of 189 schools had an overall condition rating of poor or failing, and required significant re-capitalization. Sequestration will only exacerbate this problem.

These reductions to military construction will only result in substandard facilities for our servicemembers and job losses in the construction industry and slowed economic growth.

I remain hopeful that a balanced solution will win over rigid, ideological discussions in the coming weeks so that we can restore the irresponsible cuts.

Sequestration is bad. This CR does not address it, not even to mention the nondefense related cuts. This is bad for Head Start, job training, title I, special ed, child care, cancer screening, the loss of WIC, and I could go on and on.

This CR is not the way to govern. However, we need to come together across partisan lines, and we need to find middle ground so that we can do what is needed for the American people.

Mr. ROGERS of Kentucky. Mr. Speaker, may I inquire of the time?

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FRELINGHUYSEN), the distinguished vice chairman of the Defense Subcommittee on Appropriations. Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I urge its adoption. I would like to commend the chairman of the full Appropriations Committee, Mr. ROGERS, and the chairman of the Defense Subcommittee, Mr. YOUNG, for their determination and perseverance in bringing the completed Defense and Military Construction/VA bills to the House floor this afternoon and this morning.

Since before the end of last fiscal year, they have been committed to completing the fiscal year 2013 bills in committee and to bringing them to the floor and to the President’s desk for his signature.

Mr. ROGERS of Kentucky. I yield the gentleman an additional 1 minute.

Mr. FRELINGHUYSEN. I yield to the chairman.

Mr. ROGERS of Kentucky. While we’re waiting for the Senate to send us a bill relieving us of sequestration, while we’re waiting for the President to send us something to relieve us of sequestration, we have no choice but to pass a continuing resolution to keep the government operating.

I’m pleased that the package also allows additional funds for nuclear weapons modernization, to ensure the safety, security, and reliability of our Nation’s nuclear stockpile. This is an important aspect of our energy and water acquisitions bill.

Finally, I’d remind our colleagues that this legislative package does nothing to alter the sequestration that took effect last Friday. Simply put, that is a problem, a major problem.

Five members of the Joint Chiefs of Staff presented their chilling testimony before our subcommittee last week, as the chairman referred to earlier, describing how national security would be put at risk if they were forced to make deep reductions in spending for personnel and equipment modernization programs.

Maintenance will suffer. Training for non-deploying soldiers, sailors, marines, airmen, and Guardsmen will virtually stop. Hardworking civilians will face unnecessary furloughs.

The Army Chief of Staff testified before our full committee. General Ray Odierno told us of his worry, and I quote: If we do not have the resources to train and equip the force, our young men and women will pay the price, potentially with their lives.

Marine Commandant General Jim Amos reminded us that America’s allies and enemies are watching to determine whether our country remains able to meet its commitments overseas. He said, and I quote: Sequestration viewed solely as a budget issue would be a grave mistake.

So while this measure before us helps our men and women in uniform, the meat ax of across-the-board sequestration hangs in the air over the defense and domestic programs and has now been in effect for 365 days since this House passed its first sequestration replacement bill, and that was last year. Still, the President and the Senate Democrats haven’t budged. And their only solution is to raise taxes for the second time in less than a year.

It’s time for real balance. More tax increases won’t help working families, create jobs and protect our troops.

By allowing sequestration to continue, it will hurt many working families, terminate hundreds of thousands of jobs, both public and private, and put our men in uniform at risk.

This resolution takes us forward. I urge its adoption. It’s important for national security, and I urge its adoption.

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

Mr. ROGERS of Kentucky. I yield the gentleman an additional 1 minute.

Mr. FRELINGHUYSEN. I yield to the chairman.

Mr. ROGERS of Kentucky. While we’re waiting for the Senate to send us a bill relieving us of sequestration, while we’re waiting for the President to send us something to relieve us of sequestration, we have no choice but to pass a continuing resolution to keep the government operating.
Sequestration I hope we can deal with in the future, but now we're dealing with whether or not to shut the government down. Is that not correct?

Mr. FRELINGHUYSEN. That is correct, Mr. Chairman. Let's keep the government open for business.

Mr. ROGERS of Kentucky. I thank the gentleman.

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

Before I yield to my next speaker, I would like to thank Mr. FRELINGHUYSEN for addressing sequestration and the devastating testimony of all those representing our distinguished Armed Forces. But I would also like to clarify again that this continuing resolution reaffirms sequestration. It does nothing in language or deed to make any efforts to cancel sequestration. We on this side of the aisle would be very pleased to continue to work with you in regular order to go through every bill, casting away waste, fraud and abuse, but to do away with sequestration. And I know my distinguished chair and I could work it out so that we could sequester this bill.

This bill, section 3002, reaffirms sequestration.

Mr. ROGERS of Kentucky. Will the gentlelady yield?

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Would the gentlelady be so kind as to talk to the majority leader in the Senate about sending us over a bill to relieve us of sequestration? And, two, would the gentlelady talk to her President to see if he would do that? We're ready to act.

Mrs. LOWEY. Mr. Chairman, I would be delighted to work with you, but I have read this continuing resolution very carefully and section 3002 reaffirms sequestration. Let's work together. We can lead the leaders. Let's send over a bill that does away with sequestration, which my good friend, Mr. FRELINGHUYSEN, says—and I was at that defense hearing, too—would hollow out our forces. Let's do that. Let's do that today. Why don't you submit an amendment? Let's get rid of sequestration.

Mr. ROGERS of Kentucky. If the gentlelady will yield, last year we voted twice in this body to replace sequestration, and if it didn't because the Senate wouldn't take it up.

Mrs. LOWEY. I would be delighted, Mr. Speaker, to yield 1 minute to our distinguished leader, who has provided important leadership on the issue of cutting out waste, fraud, and abuse in our budget, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank my colleague, Congresswoman LOWEY, for her leadership and for yielding time on this important issue.

I listened, too, attentively to Mr. FRELINGHUYSEN and the distinguished chairman of the Appropriations Committee, and I heard Mr. FRELINGHUYSEN say how awful sequestration would be. And I completely concur with him on that. Also heard him say nothing in this bill does anything on sequestration. Well, if it does not, why is it in the bill? Is it to get votes on the Republican side, because there's not the support for the bills that were called for in the Budget Control Act? If that's the case, let's be clear about it and put it forth. But if it has nothing to do with sequestration, Mr. FRELINGHUYSEN, why is it in the bill? Is it a waste of time and space? Is it a topic of discussion that is fruitless because it has nothing to do with sequestration but it is in there because it sends a very serious message?

And why are we in this place? We're in this place, the Chamber of the House of Representatives, to represent the American people. We recognize that a thriving middle class is the backbone of our democracy and that we are here to meet the needs of the American people and strengthen that democracy. With the legislation that is before us today, we undermine all of those efforts.

With the sequestration, which is reaffirmed in this legislation, we go down a path that will hurt our economy and harmful to our national security. Don't take it from me. Federal Reserve Chairman Ben Bernanke told Congress last week on more than one occasion that cuts of this size made this quickly would hurt hiring and incomes, slow the recovery, cost the economy 750,000 jobs, and keep deficits larger than otherwise.

Why are we in this place? We're in this place because the Republicans have said that they would not close any tax loopholes except to lower rates—not to lower the deficit, but to lower rates. Because they will not close any loopholes to reduce the deficit, we have to reduce the deficit in other ways.

For example, they will not close the loophole for tax breaks for corporate jets. Instead, they want to cut 4 million Meals on Wheels. Instead of closing loopholes for Big Oil, they want to cut investments in little children's education. Instead of closing tax loopholes for corporations that send jobs overseas—that's my personal favorite, tax cuts for corporations that send jobs overseas—they want to lose 750,000 jobs. There are millions of Americans who are having trouble making the ends meet—ensuring that millionaires and billionaires pay their fair share, our military readiness will be impaired and health care for our military families could be cut.

On a personal basis, we have teachers educating children of our military families who will be harmed by this. We have psychiatric nurses who meet the needs of our returning vets with PTSD and other challenges who may be furloughed because of this. What do we say to them? Oh, it's more important for us to reduce time and space? It's more important for us to cut tax breaks for corporate jets and millionaires and billionaires to send jobs overseas and the rest of it?

We had an opportunity to today in our previous question to bring to the floor the proposal advanced by Mr. CHRIS VAN HOLLEN, our ranking member on the Budget Committee. Mr. VAN HOLLEN's proposal is responsible and fair and it is balanced. It cuts spending responsibly. It ends unnecessary tax breaks for special interests, some of which I just named, and advances the Buffett rule, ensuring that millionaires pay their fair share.

I mention it because it's yet again, another time where the Republicans on at least four occasions shut down the opportunity to debate an alternative to what the Republicans are proposing. And this is on top of all that we've already agreed to.

Many of us in a bipartisan way voted for the Budget Control Act, which cut $1.2 trillion in spending. That was in addition to over $300 billion already cut last year. That is in addition to the President and Members of Congress who say they are prepared to make further cuts in waste, fraud, and abuse. And some things are not wasteful. Maybe they're just not a priority anymore or we found a better way to do it. Maybe they're duplicative or obsolete. But, nonetheless, we can't afford them anymore.

So let's subject every dollar to harsh scrutiny; but we also have to subject to scrutiny all the spending on these tax breaks, because that is spending. When you give a subsidy to Big Oil of $38 billion as an incentive to drill, you are spending the taxpayers' dollars. Let's cut that spending, too.

Now, what's interesting about this is that, in what the Republicans are supporting, they are totally out of sync with the American people. Republicans across our country are opposed to the corporate jet loophole. They want to close the corporate jet loophole. And Republicans, by majority, support the cuts in oil and gas tax breaks. Republicans, by majority, support eliminating that. Republicans across the country say we should limit deductions for millionaires and billionaires. Republicans, of course, say we should end tax breaks for corporations to send jobs overseas. The list goes on.

Republicans, by majority, support the Buffett rule. Even some Republicans in the Senate say we must look at closing some of these loopholes—not just to lower rates and make further corporate America, but in order to lower the deficit—instead of going to our children, our seniors, our workers and all the rest to make those cuts.

So we are in a situation here today that is created not because the Republicans passed two bills last year. I know the gentlemen speaking on the floor know that last year is over. That Congress has ended. Those bills have no weight. The spending cuts that we can count to last year are for over 10 years.

The bills that the Republicans passed last year ended at the end of the last
But I have enormous, enormous respect for the chairman of the Appropriations Committee. We sat on that committee together for a number of years. I appreciate that he wanted to bring a bill to the floor that honors the Budget Control Act.

I disagree with the tactic of putting a reaffirmation of a sequester into law. It exists. We have to do the sequester unless we can head it off. Unless the safety of our troops and their training, our national security, the education of our children, the safety of our neighbors, unless that takes precedence over protecting tax breaks for corporate jets, unless that addresses those jobs overseas—the list goes on, and I have mentioned it now more than one time.

So I urge my colleagues to think carefully about this vote. This isn’t a vote to shut down the government or not. That vote will come at another time.

The Senate isn’t going to accept this bill. The Senate is not going to accept this bill. When they don’t, they will send back another bill. And we’ll just see how many votes are on the Republican side to keep government open, because we have absolutely no intention of having the government shut down. We will just see how many Republican votes there are for that, for a bill that will be a better bill than this.

Although, with the threat of sequester and what that will do to our economy—and our job creation and our reducing of the deficit—that’s one thing; but think of what it does in the lives of those 4 million meals not delivered to seniors. Think of those seniors who are not getting those meals, those children who are not getting Head Start—or even beyond Head Start, the education of our children. Some of them are being educated by teachers who are teaching children of military families who will now have to lose their jobs or be furloughed. This has an impact right to the kitchen table of the American people. So we have to think very seriously about what we are doing here. But what the gentleman does, in my view, is keep it on the level, Mr. Speaker. Let’s have it be on the level.

This is a bill that reinforces the sequester; if it didn’t, it wouldn’t be in the bill. So this bill, I think, has no merit, and I will not support it.

Mr. ROGERS of Kentucky. Mr. Speaker, might I inquire how many speakers remain on the gentlelady’s side. I have one remaining speaker.

Mrs. LOWEY. Mr. Speaker, we have three remaining speakers.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am delighted to yield 2 minutes to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), the distinguished ranking member of the Legislative Branch Subcommittee of Appropriations.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am aware, grave concerns over the continuing resolution that we are considering today.

While we all support any effort to prevent a government shutdown, we await a bill from the Senate that hopefully treats domestic and defense bills with equal care.

There is no question that our men and women serving in Afghanistan deserve our support, but so do our children here in America. Yet the CR underfunds Head Start by $70 million, even though both House and Senate fiscal year 2013 bills provide significant increases for the program through our regular budget process.

In addition to underfunding many domestic programs, like the Affordable Care Act and the National School Lunch Program for Women, Infants, and Children, the CR does nothing to stop the across-the-board budget cuts in the sequester for any agency, including Defense.

I still hope we can work together to replace these indiscriminate, meat-ax cuts with a balanced approach so we can avoid compromising our future through lack of investments in education, infrastructure, defense and public safety. Slowly we will cut like slowly turning up the heat to boil a pot of water.

Thankfully, the House is bringing this bill to the floor in time for the Senate to act and pass a bill for the March 27 deadline for the continuing resolution that will take a responsible, balanced approach to deficit reduction with targeted spending cuts and closing tax loopholes for the wealthy so we can use the revenue and the spending cuts to pay down our debt.

Mr. Speaker, taking an indiscriminate, meat-ax approach to the sequester, to reducing our deficit in a balanced way is irresponsible. We must work together. I implore our friends on the other side of the aisle to come together and work together with us toward compromise so that we can avoid gravely harming our domestic priorities, including women, children, families, and the middle class. It is still possible, and there is still time.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished ranking member of the Defense Appropriations Committee, the gentleman from Indiana (Mr. VISCOBSKY).

Mr. VISCOBSKY. I appreciate the time and, first of all, want to thank Chairman YOUNG of the Defense Subcommittee for his very good work. I want to thank the members of all of the subcommittees for their efforts throughout the years but, again, particularly those on the Defense Subcommittee, as well as our staff.

I do intend to support the measure, but do ask a question: Where are the other 10 bills for the Department of Agriculture, the Department of Transportation, and others, with less than 6 months left in the fiscal year?

Mr. Speaker, would vote for no appropriation ever in their life, I ask: What is there to fight over with the National Institute of Standards, or the Copyright Royalty Tribunal, or the Mine Safety and Health Administration?

I am greatly concerned, Mr. Chairman, that we no longer legislate in this body, but we lurch from crisis to crisis. I find it inexplicable that some of my colleagues would vote in a heartbeat for a continuing resolution to run the government backwards last year at exactly the same amount of money for a similar appropriation bill with all 12 bills so that we could make decisions and exercise our constitutional responsibilities.

Continuing resolutions look back and run the most powerful Nation on Earth like we did last year. We are absent any legislative decisions, and I see it as an abdication of our constitutional responsibility. I would push it further and say we have a mandate. In article I, section 9, there is one sentence, it says: No money shall be drawn from the Treasury but in consequence of appropriations made by law.

It is time that Congress begins to appropriate measures and runs this government and country and stops lurching.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 1 minute and would ask Mr. VISCOBSKY if he might rejoin us at the microphone.

On the point the gentleman just broached and, that is, the passage of bills, one of the most frustrating things of my life is that we cannot get the Senate to pass any appropriations bills.

As the gentleman knows—because he helped pass the Defense bill for this year and all years—we passed, through the House committee, all 12 bills. We sent them to the Senate, and all we got back was a resounding no. They didn’t do anything. When the Senate doesn’t appropriate, in spite of the fact that we’ve passed all of our bills over here, we have to pass a continuing resolution. That is where we are. I lament this as does the gentleman. And I know that he joins me in wanting us to pass, through regular order, each individual bill, bring it to the floor, let the Members have their say and vote on amendments and the like.

Mr. VISCOBSKY. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Indiana.

Mr. VISCOBSKY. I would concur with the gentleman’s remark and would note that in my remarks I mentioned the Congress fails to appropriate, which includes the United States Senate.
Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to a hardworking Member, the gentleman from Iowa (Mr. LATHAM), who chairs the Transportation, Housing and Urban Development Subcommittee on Appropriations.

Mr. LATHAM. I thank the chairman of the full committee for the opportunity to address this.

I've been sitting here listening and heard the minority leader come to the floor and talk about children, about old people, about teachers—all these things—that she voted to cut the spending for to fund.

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How can you support a bill, support the sequester insisted on by the President of the United States? It was his idea that he brought forth to try and resolve the differences at that time and something that he supports and he insisted on. The minority leader voted for these cuts that she now bemoans. It's fascinating when you look at the reality of the situation. There are some of us who actually did not support this because of the way the sequester would take place.

Now, you can say, well, it was never going to happen and all these things, but the fact of the matter is it is here today and it is law because people like the minority leader insisted on it. So to continue to talk and call these things—those cuts today, something that she supported, is really quite fascinating to anyone listening or watching this debate today.

Mr. Speaker, I will tell you, it is very frustrating. As someone who went through the entire process last year with my ranking member, Mr. Olver from Massachusetts, who is now retired, we went through subcommittee and full committee. We had 3 days on the floor of the House, an open rule with amendments. We passed our bill, the Transportation and HUD appropriation bill, with the largest bipartisan majority of any bill passed last year, yet the Senate does nothing. That's why we're here today.

The House of Representatives, under the chairman's leadership, has moved bills, has done our work. The frustration we have is that we don't have a counterpart on the other side of this great building to actually do their job so that we can finally get resolution of these very difficult spending problems.

Mr. Speaker, it is very important today that we move this bill. This is the best alternative. It will give us certainty for the rest of the year so that we can address the big issues that are before us and this Nation about spending—$16.5 trillion of national debt and about $1 trillion of annual deficit has got to be addressed. By doing this, it will give us the opportunity to maybe forge a large compromise, to forge a big deal that actually set a course for this country.

I think the reason most all of us are here is because we have children. I have five grandchildren. The reason I do this is because I believe that we've got to change direction, and this is a necessary step to do that.

With that, I ask everyone to support this bill.

The Speaker pro tempore. The gentleman from Kentucky has 1 minute remaining. The gentlewoman from New York has 1/4 minutes remaining.

Mrs. LOWEY. I am delighted to yield the balance of my time to a distinguished Member of the Appropriations Committee, the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE of California. Let me thank our ranking member for yielding and for her tremendous leadership.

First of all, let me just make this point. This bill—actually, this CR—reaffirms sequestration, and it really could have been canceled. I have to tell you, also, that at that time when the Pentagon has enjoyed a decade of unchecked growth, this bill gives the Pentagon new flexibility to cushion the effects of sequestration. Again, it reaffirms sequestration.

At the same time, the bill ignores the impacts of these devastating cuts on the American people. Sequestration cuts would not only hurt low-income families first and hurt them the most, but also communities of color and the millions of Americans who still are struggling to find a job.

The sequester will impact my congressional district, my home State of California, and every single household in America. It also underfunds the vital programs that protect public health and safety, promote and develop our workforce, and educate the next generation.

While all of us believe that it's important to keep the government functioning, governing by a continuing resolution is really no way to run the Federal Government. It's time to rein in Federal spending and spend our security dollars wisely on proven programs that meet today's national security needs, but we also must begin some nation building here at home. The American people deserve better than that. Not only is this resolution a fiscal disaster, it is morally wrong.

[From the New York Times, March 5, 2013]

California, on Brink of Recovery, Braces for Setback on Federal Aid

(BY Norimitsu Onishi)

San Francisco, March 5—As ballooning budget deficits, California finally seemed on firmer footing. Unemployment remained high, but revenues and housing prices were up. Taxpayers even voted themselves a tax increase to bolster deficits down.

And then came the automatic federal budget cuts known as sequestration.

As the $85 billion in spending cuts slowly roll out nationwide, California officials are girding themselves for a blow not only to the state's large military industry but also to its nascent economic recovery. Still, experts say, it will most likely slow down, though not derail, the state's economic growth.

The cuts, which began to take effect on Friday and will roll in phases, will amount to a loss of an estimated $9 billion for California this year. The military industrial complex will incur the biggest reduction, $3.2 billion, but education, social programs and other areas that were hit particularly hard by California's budget turmoil in recent years will also face cuts.

State officials await word from Washington on exactly how the cuts will be put in place in the weeks and months ahead, hoping that the long-term ripple effects on California's consumers and businesses will become clearer.

"It's very frustrating for a state like California, where we've had housing-market and job-market gains beginning to solidify here," said Janice Nagan, the director of finance at the nonpartisan California Legislative Analyst's Office. "And just as that's happening, we have the federal government taking actions that could impede that recovery."

Despite the size of military and federal programs in California, the state's $2 trillion economy is larger and more diverse than the economies of other states, and less dependent on federal workers. "California will be an average state," said Stephen Levy, the director of the Center for Continuing Study of the California Economy. "We won't be hit less, and we won't be hit more."

Jerry Nickelsburg, an economics professor and expert on the California economy at the Anderson School of Management at the University of California, Los Angeles, said: "But is it sufficient to choke off the recovery in California? I think the answer is no. Will it slow the growth of the California economy? The answer is yes."

Because the automatic budget cuts had been set up to force Democrats and Republicans to negotiate over cuts and spending—and not to be actually put in place—California officials, like their counterparts in other state capitals, have only general guidance so far from the Office of Management and Budget on how to carry out the cuts. But in the coming weeks, federal agencies are expected to provide details on their respective spending cuts.

"As we learn more the specifics on how they're going to do that, then we will have a better sense of how it will impact the state," said H. D. Palmer, a deputy director at the California Department of Finance.

State officials could be asked to adjust for the cuts in the state budget revision scheduled for May. In January, Gov. Jerry Brown announced the first balanced budget in years, thanks largely to a temporary tax surcharge that voters approved in November.

The budget cuts are expected to be felt strongly in the San Francisco Bay Area, where the military industry plays a significant role in the economy. According to the White House, California's 64,000 civilian military workers will be furloughed starting next month, most likely by losing a day of work a week over several months. The White House estimates that the furloughs will total a $400 million reduction in gross pay this year.

Military contractors in the area are also bracing for cuts.

Marcus C. Blakey, the president of the Aerospace Industries Association, a trade group based in Arlington, Va., said larger contractors could absorb the loss of an anticipated order. But, she said, could be forced to lay off highly paid engineers, and in that way dampen the region's economy.

"These are companies that often do not have the resiliency and flexibility to take this kind of body blow," Ms. Blakey said, adding that these very specialized companies incapable of quickly shifting their businesses. "As an industry, we are very concerned about the third and fourth tier in the supply chain, and California has a lot of those kinds of companies."
Gregory Bloom, a member of the trade group’s executive board and the president of Seal Science, a 120-employee aerospace company in Irvine, Calif., said his business had already felt the cut. Because of the uncertainty surrounding federal financing of military-related programs, his company had lost two top engineers and was unable to begin four existing engineering positions, he said.

“In my entire career, I’ve never been in a situation where I can’t at least put some probability to what’s going to happen,” Mr. Bloom said, adding that he had delayed expanding capacity at a plant as a result. “There’s absolutely no way to plan.”

The University of California’s schools and colleges, whose budgets have been slashed in recent years. The University of California system is expected to face at least a 5 percent cut in the $3.5 billion it receives annually in federal research money. Cuts in federal student aid programs will affect the next academic year.

“As a family starts to plan for what’s going to happen next year—how much money do I need to send my son or daughter to school?—there is a uncertainty right now until we get more information from the federal government,” said Gary Falle, the University of California’s associate vice president for federal relations.

According to the White House, California will also lose $88 million in federal money for primary and secondary education this year. Though counts for less than 1 percent of the state’s budget for schools, that share has taken on increasing weight in recent years because of state cuts, said Erika Webb-Hughes, an official at the California Department of Education’s government affairs division.

The cuts are likely to affect disadvantaged students the most, including those with disabilities, Ms. Webb-Hughes said. The uncertainty of the magnitude of the cuts will also make it difficult for school districts to plan for next year because, by state law, they must notify staff members of their future employment status by March 15.

“People will be sending out pink slips,” Ms. Webb-Hughes said. “Even if at the end of the year there is a miraculous agreement in the Congress that averts a majority of this issue, the damage is already done.”

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is all about whether or not we shut down the government. This is a bill to keep the government operating while we debate, then, how we deal with sequestration.

This is not a sequestration bill. This is a bill to continue funding the government for the balance of the fiscal year and to help the military cope with the restrictions so that our Nation is adequately defended by our men and women in uniform.

I urge the adoption of the continuing resolution. Let’s keep the government going.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 933, which includes as Division A the fiscal year 2013 Defense Appropriations Bill.

The Defense bill is a good bi-partisan bill which was negotiated with the Senate late last year. It is critical that we pass this bill and get the Department of Defense out of a year-long continuing resolution, which would have devastating consequences—consequences that rival those of sequestration as several of the Service Chiefs have claimed.

The Defense bill provides the Department with funding in the proper accounts to match how the fiscal year 2013 funds were requested and will be executed, as opposed to the mishmash of the fiscal year 2012 enacted levels in a CR. Without correctly establishing this baseline for execution, the Operation and Maintenance accounts would have been almost $11 billion short—a shortfall almost equivalent to the sequestration reductions.

Passing this bill also removes the prohibition on new starts and rate increases which exists under a continuing resolution. With over five hundred programs impacted by this prohibition, the Department would experience hundreds of significant schedule delays and cost increases. Also, over a billion in savings would be lost because the Department could not enter into multi-year procurement contracts.

It has now been 5 months since the fiscal year began. But because the Senate did not pass a defense appropriations bill last year, we find ourselves still trying to wrap up fiscal year 2013. I want to thank Chairman ROGERS for including the Defense bill in this package. This bill is long overdue, and I urge its quick passage.

Chairman ROGERS is the initiator of this plan to pass Defense appropriation and military construction as the major parts of this legislation and he deserves appreciation for his determination to make this important plan work.

Mr. Speaker, I oppose H.R. 933, which appropriates money for the Department of Defense and the Department of Veterans Affairs, and funds the rest of the government until the end of the Fiscal Year 2013. This bill maintains the across the board sequestration cuts that took effect last Friday. Democratic Members of Congress have repeatedly called for a common sense, bipartisan solution to avoid the sequester, and have been met by nothing but inaction by our colleagues in the majority.

These indiscriminate cuts will seriously jeopardize the security of this country. While our economy is still recovering from the worst recession since the Great Depression, sequestration will have the effect of slowing the recovery and costing 750,000 jobs.

While the worst consequences of the sequester have not yet been realized, the wheels have now been set in motion. We are on a course that will have real impacts for millions of Americans. Furlough notices are going out to thousands of federal employees and contractors, and many services will begin to slow.

Programs and services that millions of Americans rely on like Head Start, nutrition programs like WIC, and even the Federal Emergency Management Agency will be crippled by these cuts in funding. The critical support that our communities depend upon—the law enforcement officers who protect us, the air traffic controllers who keep our skies safe, FDA food inspectors, and the CDC’s funding for disease prevention—all of it is being slashed.

Mr. Speaker, in short the Republicans are putting the ability of our government to function at risk, and they are jeopardizing the safety and security of millions of families across this country.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today against H.R. 933. This bill includes reckless, across-the-board spending cuts known as the sequester, which have a disproportionately impact on critical programs that serve those in our nation’s most vulnerable communities. Because Congress is unwilling to act, Defense appropriations, which are vital in order to effect with this bill, and hundreds of Iowa kids will bear the burden of lawmakers’ inaction by no longer having access to Head Start services. Investments for children’s education will be cut. Additionally, the bill could impact other everyday services such as food inspections. With hundreds of air traffic control towers throughout the country, including three in Iowa. Along with the harmful cuts that the sequester brings, the Defense Appropriations portion of the bill continues to fund $87 billion dollars towards the war in Afghanistan. We need to bring our brave men and women serving in uniform home rather than continue to fund a war that has lasted longer than a decade.

Although I oppose the bill in its current form, there are many provisions in the bill that I do support. I applaud the 1.7 percent pay increase for military personnel. I support the continuation of a pay freeze for Members of Congress. I also support the increased funding for embassy security following the threats identified after the Benghazi attacks. I am also pleased to know that the bill provides for substantial foreign aid to our ally Israel.

Mr. HIMES. Mr. Speaker, while I supported today’s continuing resolution in an effort to ensure that essential governmental operations are funded beyond March 27, there remain many questions about the application of the sequester.

One area that few Members of Congress or the administration are discussing is whether sequestration should apply to certain entities that Congress clearly intended to be legally independent of the federal government. Congress recognized the crucial importance of maintaining the objectivity of each of these entities by insulating them from the federal appropriations process in order to maintain their independence.

For example, the Financial Accounting Standards Board ("FASB"), the entity that establishes generally accepted accounting principles for a private entity, is explicitly not part of the Congressional appropriations process under the Sarbanes-Oxley Act. Indeed, that Act specifically states that FASB revenues are not to be considered "public monies."

Unfortunately, the Office of Management and Budget’s sequestration order would require the private fee income on which FASB relies for its operations to be subject to the sequester. This is despite Congress’ explicit intent in the Sarbanes-Oxley Act to keep FASB independent.

More fundamentally, sequestration of these monies makes no sense. FASB’s funding does not come from the federal government and is instead collected from accounting support fees allocated among public issuers. As a result, sequestration of FASB funding has no effect on reducing the federal deficit. It does, however, undermine FASB’s independence and important role in setting accounting standards for U.S. public issuers.

Other entities similar to FASB are also being sequestered despite Congress’ clear intent to keep them separate from the federal
budget process. The Public Company Accounting Oversight Board, the Securities Investor Protection Corporation, and the North American Electric Reliability Corporation are all entities subject to the sequester notwithstanding the fact that they collect fee income independently of the federal budget process.

Subtracting these entities from sequestration would seriously undermine the intent of Congress to keep them apart from the federal budget process as independent organizations. As we consider the effect of sequestration in the coming days and weeks, I urge my colleagues to adopt a legislative remedy that would ensure that entities like FASB are not subject to sequestration.

Mr. HOLT. Mr. Speaker, I rise in opposition to this bill. While this bill does exempt the Department of Veterans Affairs from sequestration, that is the only good news in this bill.

H.R. 933 does provide the Department of Defense with a better balance between its operations and maintenance accounts and its longer-term investment accounts. However, it will do nothing to stop the $55 billion cutter for the Department of Defense, which will result in civilian furloughs, deployment and training cutbacks, and facility maintenance cuts.

The bill shortchanges our homeland security needs by denying a requested increase for FEMA State and Local Grants, locking the program into its lowest funding level in history and shortchanging disaster preparedness and anti-terrorism funds to states, urban areas, ports, transit, and first responders. Communities impacted by Hurricane Sandy are also shortchanged by this bill. H.R. 933 does not include funding requests important for disaster recovery, cyber-security, water infrastructures, advanced manufacturing, and weatherization, including a request to lower the local cost-share from 65/35 to 90/10 for Army Corps of Engineers projects in communities affected by Sandy, hindering ability of local communities to recover and rebuild.

The bill also violates the intent of the Affordable Care Act by failing to include a requested $949 million to implement health insurance exchanges under the Affordable Care Act, scheduled to begin enrolling participants in October. Funding is needed for IT infrastructure to process enrollments and payments, eligibility verification, call centers, and other assistance to help individuals and small businesses select and enroll in health plans.

I urge my colleagues to join me in opposing this badly flawed bill.

Mr. O’ROURKE. Mr. Speaker, I rise today to explain my vote for the Continuing Resolution. H.R. 626 avoids the need to implement health insurance exchanges under the Affordable Care Act, scheduled to begin enrolling participants in October. Funding is needed for IT infrastructure to process enrollments and payments, eligibility verification, call centers, and other assistance to help individuals and small businesses select and enroll in health plans.

We should be voting on a balanced plan to end the sequester. I and other members have attempted to introduce legislation that would replace the sequester. In fact, we even tried to force a vote today to do this once again, but have been continually and repeatedly blocked by the majority at every turn. The non-partisan CBO predicts that the sequester will mean 750,000 lost jobs across the country. In El Paso, 20,000 federal workers, including those that protect our borders and care for our wounded warriors, are facing furloughs and continued pay freezes because Congress has not acted. Federal Reserve Chairman Bernanke recently testified that the sequester cuts will actually make it more difficult to address our long-term deficits because it will lead to lower economic growth. By failing to adjust agency budgets outside of defense, this bill continues spending on old policies while failing to fund important priorities like implementation of the Affordable Care Act and enforcement of Dodd-Frank protections against abuse in the financial sector. By also continuing to decimate our workforce, extending their pay freeze through the end of the year. I support my colleague GERRY CONNOLLY’s bill to freeze Congressional pay, but our federal employees have already paid more than their fair share, sacrificing more than $100 billion in pay and benefits to reduce our Nation’s deficit. Private-sector wages rose by an average of 1.4 percent in 2011 and 1.7 percent in 2012, but federal pay has been frozen since 2010. Denying a 0.5 percent cost-of-living increase for the federal workforce, who serve and protect our borders, conduct research in national labs, care for our veterans, and inspect our Nation’s food supply will only jeopardize our ability to recruit and retain the best and the brightest.

We stand ready to work with our Republican colleagues to end the sequester and responsibly fund our national priorities. Instead, the Republican Leadership, driven by their most extreme members, continues to move from manufactured crisis to manufactured crisis, ignoring our most pressing needs—jobs and the economy. We can and must do better for the American people. It is my hope that we can work with our colleagues in the Senate to craft balanced, responsible legislation that avoids a government shutdown, ends sequestration, and properly funds our Nation’s priorities.

Mr. BLUMENAUER. Mr. Speaker, I oppose this legislation. In Congress, we continue to talk past ourselves on how to get to fundamental financial sustainability. If flexibility is necessary for some agencies, then why not provide all of them with the necessary flexibility to deal with the draconian impacts of the sequester?

I opposed the sequester from the beginning and still believe it’s a terrible idea. Congress should have dealt with it comprehensively at the end of last year; we should have had a bigger solution then. Now that we are stuck with it, we have to deal with the consequences.

Providing flexibility to some of the agencies but not others makes no sense—it merely allows the Defense Department to mitigate the worst effects on its budget, while continuing to hamstring vital domestic priorities. For instance, the $1.6 billion cut in the NIH budget will cut research into illnesses affecting millions of Americans, senior meal programs like Meals on Wheels will be cut by up to 4 million meals for elderly seniors, and in my State, head start and early head start programs are being cancelled.

In my home State of Oregon, we will lose approximately $10.2 million in funding for primary and secondary education, putting about 140 teachers and aide jobs at risk. Our Head Start and Early Head Start services will be eliminated for approximately 600 children, reducing access to critical early education. Oregon could lose up to $81,000 in funds that...
provide services to victims of domestic violence, resulting in up to 300 fewer victims being served.

Overall, this reckless policy will cost our country roughly 750,000 jobs, according to the CBO. They also estimate that allowing sequestration to take place will lower economic growth from 2.0 percent to 1.4 percent, cutting anticipated economic recovery by a third.

Instead of throwing our hands up, we should make smart, targeted budget decisions that, taken over 10 years, are an alternative to the arbitrary sequester cuts and can put the country on a more sustainable fiscal path.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 99, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PETERS of California. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. The gentleman opposed to the bill?

Mr. PETERS of California. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. Peters of California moves to recommit the bill H.R. 933 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 268, beginning on line 20, strike section 3002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. PETERS of California. Mr. Speaker, this is the final amendment to the bill. It will not delay or kill the bill or send it back to committee. If adopted, the bill will proceed immediately to final passage, as amended.

This past November, San Diegans and people across the country sent a strong message to Congress. They are tired of Washington putting politics before people. And I was honored to take my oath of office in January with a mission to be part of the solution. Like probably every member of this freshman class, Republican and Democrat, I ran for office because I was tired of the gridlock, and I believed I could make a difference. I still do.

When I was president of the San Diego City Council, it would never have occurred to me not to allow my colleagues to vote on a measure because I disagreed with it. I docketed items for votes because that’s how we worked through issues and moved ahead. But the reality of Congress is that leadership has the ability to kill legislation by not bringing it to the floor. Members are even allowed to vote on it.

This Congress has been in session for 61 days. During that time, the majority has not offered or allowed even one vote on any proposal to repeal, amend, or replace the sequester, a measure that was designed to be so nonsensical that it was supposed never to have taken effect. That means that this Congress, 20 percent of whom are new Members, has not had even one chance to vote to avoid the loss of at least 750,000 jobs.

Until we’re allowed to vote on the sequester, those of us who think it’s bad policy—who prefer a regular budget process to sequestering—will have no right to give the sequestration language in this bill.

Since coming to Congress, I have used my time at home and here to emphasize how these budget decisions—and nondecisions—affect our constituents, large and small businesses, and our national defense. People in San Diego and across the country are counting on us to find a solution to the sequester so that we can continue our recovery, our economic growth, and we can continue to be the most innovative nation in the world.

I’ve explained that two of the main drivers of San Diego’s economy are our scientific research community and our military. In fiscal year 2012, San Diego firms received more than $130 million from the National Science Foundation and $850 million from the National Institutes of Health. It’s these types of investments that have created hundreds of thousands of jobs, boosted our economy, and allowed San Diego to become the second largest science cluster in the United States.

A student pursuing a degree in the sciences recently wrote to me to express the hope that we will find a way to fund a NIH project that would map the active human brain. That project would do for neuroscience what the Human Genome Project did for genetics. But he worries that if the United States is unable to fund projects like these that we will lose our place as a leader in scientific discovery to countries like China, England, or Israel, or those making those investments today.

The immediate cuts to NIH from sequestration are 8.2 percent, which is equivalent to a cut of $2.5 billion. This could result in the loss of 33,000 research-related jobs in 2013 and a $4.5 billion decrease in economic activity.

I’ve also explained how devastating the sequester is to our military. Just yesterday, an admiral testified at the House Armed Services Committee about how our best and brightest, whom we need for cyberdefense and who are interested in cyberdefense, are worried about pursuing their careers here because they don’t know if they can count on Congress to provide the support.

And in San Diego, where almost one in four jobs is defense related and nearly 25 percent of defense contractors are small businesses, 10 shipbuilding and maintenance contracts have been canceled. Nationwide, manufacturing companies that rely on defense funding could lose 223,000 jobs. And as we have heard in Armed Services, neglecting ship repairs and other maintenance and not making these investments not only leads to job losses, but threatens our very readiness as a nation.

I know protecting these areas of investment and ensuring economic recovery and growth are ideas that both Democrats and Republicans can agree on. Now is the time to ignore party politics and to do what is right for the American people. I urge my colleagues to vote “yes” to remove this language from the bill because we need to find solutions other than the sequester.

Let’s turn the indiscriminate cuts of the sequester into targeted cuts that are part of a larger deficit reduction strategy, a strategy that cuts wasteful spending but doesn’t cut critical infrastructure investments, stifle scientific innovation, or compromise our national defense.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, the budgetary problems we face are unprecedented, and the American public demands that we address them.

This continuing resolution is the first step in that process.

The measure before us does four important things: one, it takes threat of a government shutdown off the table; two, it fulfills the agreements made in the Budget Control Act; three, it protects our troops in harm’s way; and, four, it binds up our veterans’ wounds.

This is not the time, Mr. Speaker, to argue about sequestration. Today is the day to keep the government running and show the people back home we’ve not lost the ability to govern.

The House has passed two separate responsible sequestration replacement bills only to have both of them languish in the other body without action. We’re still waiting, Mr. Speaker.

The President must come to the table with a real proposal to solve the sequestration crisis instead of sending us the same old talking points and doing campaign trips around the country.

The public is tired of government putting politics ahead of people. Now is the time to take a shutdown off the table. Now is the time to give our troops and our veterans the resources they need, deserve, and have earned. Now is the time, Mr. Speaker, to govern.

Vote “no” on this motion, and vote “yes” to keep the government operating.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.
There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PETERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 188, nays 231, not voting 12, as follows:

[Roll No. 61]

YEAS—188

Andrews (NC)  
Barber (AZ)  
Barstow  
Beatty  
Beccerra  
Becerra (CA)  
Begnaud  
Bishop (GA)  
Bishop (NY)  
Bliem  
Blumenauer  
Bonamici  
Bono  
Bost  
Brown (CA)  
Brownley (CA)  
Budd  
Butlerfield  
Capps  
Cardenas  
Carney  
Carson (CA)  
Carworth  
Castor (FL)  
Castor (TX)  
Chabot  
Cicilline  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Colin  
Conger  
Cooper  
Costello  
Courtney  
Crowley  
Curtis  
Cuellar  
Davis (CA)  
Davis (KY)  
DeLauro  
DeLauro  
DelBene  
Deutsch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Eliason  
Engel  
Espost  
Esty  
Farr  
Fattah  
Fletcher  
Frankel (FL)  
Fudge  
Gabard  
Galloway  
Garamendi  
Garret  
Garza (TX)  

NAY—231

Brady (TX)  
Bredesen  
Brooks (AL)  
Brooks (GA)  
Brooks (GA)  
Brooks (CA)  
Buchanan  
Buchon  
Burgess  
Calvert  
Campbell  
Canuto  
Capito  
Carter  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotler  
Cramer  
Crawford  
Cubseron  
Daines  
Dane (AZ)  
Dent  
DeSantis  
Des-Jardin  
Diaz-Balart  
Duncan (SC)  
Duncan (TN)  
Elmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Fox  
Frank (AZ)  
Frehlingzuy  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gigger  
Gingrich (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Grande  
Graves (GA)  
Graves (MO)  
Graves (NV)  
Griffin (CA)  
Griffin (NY)  
Grimes  
Guthrie  
Hall  
Hanna  
Harper  
Harris  

NOT VOTING—12

Capano  
Caruso  
Clingan  
McIntyre  
McKay  
McFadden  
Moore  
Morgan  
Fudge  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  
Murphy  

MESSRS. REICHERT, TURNER, SMITH OF Texas, and BILIRISI KE changed their vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote as announced was above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.
H1316
CONGRESSIONAL RECORD — HOUSE
March 6, 2013

<table>
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<tr>
<th>Nominees</th>
<th>Young (FL)</th>
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<tr>
<td>Womack</td>
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<td>NAYS—151</td>
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Amash (OH)    Gohmert      Neal
Andrews (NY)   Grayson      Nolan
Biasi (NY)     Green (AL)   Pallone
Beatty (OH)    Green (GA)   Parkin
Becker (NY)    Grijalva     Payne
Bishop (NY)    Green (CA)   Pelosi
Blumenauer (CA)Hahn         Peters (MI)
Bonamici (OH)  Hanabusa     Pingle (ME)
Bradley (IL)   Hastings (FL)Fossen
Brady (PA)     Heck (WA)    Posey
Braley (IA)    Higgins      Price (NC)
Bridge (RI)    Himes (CT)   Quigley
Brown (CA)     Holsen (MN)  Hoyer (D)
Buckfield (GA) Hrabik (MO)   Huffman
Budd (CT)      Hagan (ND)   Holt (R)
Butlerfield (FL)Horton (OK)   Hoyer (MD)
Butlerfield (MS)Hoyt (ME)    Hulshoff
Capps (CA)     Huffman      Richmond
Cardenas (TX)  Himes (WA)   Quiñones
Carson (NV)    Himes (NY)   Quigley
Carst (FL)     Jeffries     Ryan (NY)
Chatfield (CT) Johnson (GA)  Sanford
Cicilline (NJ) Johnson, R. B. T
Clarke (NV)    Kennedy      Sarbanes
Clearer (OR)   Kildee       Schakowsky
Clyburn (GA)   Kimler       Schrader
Colen (FL)     King (OH)    Schwartz
Connolly (CA)  Kingston     Seelbach
Cory (NY)      Lawner (WA)  Sewell (AL)
Cresley (NY)   Leahy (CT)   Shaw-Porter
Cueillar (CA)  Lee (CA)     Sherman
Cummings (NV)  Levin        Slaughter
Davis (KS)     Lowery       Smith (WA)
DeGette (MN)   Logren       Smolich
DeLauro (CT)   Looney       Snow (CT)
Debicki (D)    Loeser (WI)  Smoller
DeSauliaux (CT)Marchant     Spanberger
DeSauliuax (CA)Marsden      Sprenger
DeSauliuax (WA)Maturey      Staton
Deutch (NY)    Carnley      Stavisky
Dingell (MI)   Markey       Tierney
Doggett (TX)   Masseie      Tonko
Doyle (OH)     Matsui       Tsongas
Duckworth (AL) McCarthy (NY)Van Hollen
Duncan (TX)    McClinton    Valencia
Edwards (CA)   Moakis       Vargas
Ellison (CA)   McDermott    Vargas
Engel (NY)     McGovern     Wagenknecht
Ensho (NY)     McNerney     Schultz
Farr (GA)      Meng         Waters
Fattah (PA)    Moulton      Watts
Frankel (FL)   Moore        Waxman
Fudge (IN)     Nadler       Welsh
Gingrey (GA)   Negrono      Yarmuth

NOT VOTING—13
Capuano (MA)   Miller, GeorgeSires
Coble (NC)     Pascrell      Sires
Cochran (GA)   Poli            |
McIntyre (CA)  Ros-Lehtinen     |
Meeks (GA)     Sanchez, Loretta|

There was no objection.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE COMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 3, 2013, of the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 113th Congress:

Mr. LATHAM, Iowa
Mr. THORNBERRY, Texas
Mr. FORBES, Virginia
Mr. BISHOP, Utah
Mrs. BLACKBURN, Tennessee
Mr. LATTA, Ohio
Mr. OLSON, Texas
Mr. GARDNER, Colorado
Mrs. ROBY, Alabama
Mr. MESSER, Indiana

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 313

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that the order of the House to consider as first sponsor of H.R. 313, a bill originally introduced by Mrs. Emerson of Missouri, for the purposes of adding cosponsors and requesting printings pursuant to clause 7 of rule XII.

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

There was no objection.

HONORING THE LIVES OF SERGEANT LORAN “BUTCH” BAKER AND DETECTIVE ELIZABETH BUTLER

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

Mr. FARR. Mr. Speaker, every day, police officers place themselves in harm’s way to protect our communities. It’s that unselfish act that separates them from ordinary citizens. Through their willingness to serve, our brave policemen and -women represent the best of our country.

Sadly, last week, in my district, two fine officers, Sergeant Loran “Butch” Baker and Detective Elizabeth Butler, were killed in the line of duty in the small town of Santa Cruz, California. Sergeant Baker and Detective Butler are the first officers to be killed in the line of duty in the city’s 137-year history.

Our prayers and sympathies are with the families and loved ones of these officers. And I’d like the House to take a brief moment of silence in their memory.

Sergeant Baker leaves behind a wife, two daughters and a son, who is a Community Service Officer with the Santa Cruz Police Department. Detective Butler leaves behind her partner and two young sons.

This is a horrible tragedy, and I join with the residents of the Central Coast to mourn this loss and to pay our respects to these two fallen heroes.

Mr. Speaker, I urge all of my colleagues to “Spread the Word to End the Word.”

SPREAD THE WORD TO END THE WORD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, March 6 is the day we “Spread the Word to End the Word,” an ongoing effort by Special Olympics, Best Buddies, and many others to raise the consciousness of society about the hurtful effects of the word “retard” and to encourage people to pledge to stop using the “R” word. Respectful and inclusive language is essential to the dignity and humanity of people with intellectual disabilities. Much of modern society does not realize the hurtful, dehumanizing, and exclusive effects of this word. This campaign is intended to engage schools, organizations, and communities to rally and pledge their support to promote the inclusion and acceptance of people with intellectual disabilities.

Today, I pledge my support to help end the derogatory use of the “R” word from everyday speech and promote the acceptance and inclusion of people with intellectual disabilities.

Mr. Speaker, I urge all of my colleagues to “Spread the Word to End the Word.”

HONORING THE 225TH ANNIVERSARY OF THE TOWNS OF STILLWATER, SARATOGA, HALFMOON, AND BALLSTON, NEW YORK

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

Mr. TONKO. I rise today to recognize four towns in the 20th District of New York that will celebrate their 225th anniversary tomorrow. They’re the towns of Stillwater, Saratoga, Halfmoon and Ballston.

The place of the Still Waters had French settlers as early as the 1600s, and they were known to have a mill. Originally part of Albany County, the districts of Saratoga, and Halfmoon were divided on March 21 of 1772. In 1775, Ballstown was taken from Saratoga, making three districts within Albany County. Eventually, in February of 1791, the New York State Legislature created the county of Saratoga. Early Ballston residents were deeply involved with the Revolutionary War. And in Halfmoon, some of the first town meetings in April of 1788 still exist.